

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

[Registered at the General Post Office as a Newspaper.]

Prys 10c Price
 Oorsee 15c Overseas
 POSVRY — POST FREE

NL. XI.]

KAAPSTAD, 13 MAART 1964.
 CAPE TOWN, 13TH MARCH, 1964.

[No. 746.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 367.] [13 Maart 1964.

No. 367] [13th March, 1964.

Hierby word bekend gemaak dat die Staatspresident sy
 edkeuring geheg het aan die onderstaande Wette wat
 erby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented
 to the following Acts which are hereby published for
 general information:—

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No. 19, 1964.]

WET**Tot wysiging van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945.***(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Februarie 1964.)***DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 18 van Wet 38 van 1945, soos vervang deur artikel 1 van Wet 28 van 1959, en gewysig deur artikel 1 van Wet 54 van 1963.

1. Artikel agtien van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, word hierby gewysig—

- (a) deur die woord „en” aan die end van paragraaf (d) te skrap;
- (b) deur die volgende paragrafe by te voeg:
 - „(f) uitgawes in verband met die oprigting en instandhouding van inrigtings bedoel vir die opleiding van persone vir paramediese professies en beroepe wat die Minister van Onderwys, Kuns en Wetenskap van tyd tot tyd in oorleg met die Minister van Finansies aanwys as professies of beroepe ten opsigte waarvan onderrig in inrigtings vir beroeps-onderwys verstrekk behoort te word en nie in inrigtings vir hoër onderwys nie; en
 - (g) uitgawes wat nodig is om persone, hetsy in diens van die provinsie al dan nie, vir die professies en beroepe in paragraaf (f) bedoel, op te lei.”; en
- (c) deur die volgende sub-artikel by te voeg terwyl die bestaande artikel sub-artikel (1) word:
 - „(2) ’n Aanwysing deur die Minister van Onderwys, Kuns en Wetenskap ingevolge paragraaf (f) van sub-artikel (1), geld vir die tydperk wat bedoelde Minister by so ’n aanwysing bepaal.”.

Kort titel en inwerkingtreding.

2. Hierdie Wet heet die Wysigingswet op Finansiële Verhoudings, 1964, en word geag op die eerste dag van Januarie 1964 in werking te getree het.

No. 19, 1964.]

ACT

To amend the Financial Relations Consolidation and Amendment Act, 1945.

(English text signed by the State President.)
(Assented to 28th February, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section *eighteen* of the Financial Relations Consolidation and Amendment Act, 1945, is hereby amended—

(a) by the deletion at the end of paragraph (d) of the word “and”;

(b) by the addition of the following paragraphs:

“(f) expenditure in connection with the establishment and maintenance of institutions intended for the training of persons in such paramedical professions and occupations as the Minister of Education, Arts and Science may from time to time, in consultation with the Minister of Finance, designate as professions or occupations in respect of which instruction should be provided in institutions for vocational education and not in institutions for higher education; and

(g) expenditure necessary for the training of persons, whether or not in the service of the province, for the professions and occupations referred to in paragraph (f).”; and

(c) by the addition of the following sub-section, the existing section becoming sub-section (1):

“(2) Any designation by the Minister of Education, Arts and Science under paragraph (f) of sub-section (1) shall operate for such period as may be determined by the said Minister when making that designation.”.

Amendment of section 18 of Act 38 of 1945, as substituted by section 1 of Act 28 of 1959, and amended by section 1 of Act 54 of 1963.

2. This Act shall be called the Financial Relations Amendment Act, 1964, and shall be deemed to have come into operation on the first day of January, 1964.

Short title and commencement.

No. 20, 1964.]

WET**Tot wysiging van die Wet op Salarisse en Pensioene van Regters, 1959.***(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Februarie 1964.)***DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—Vervanging van
artikel 3 van
Wet 73 van 1959.**1. (1)** Artikel *drie* van die Wet op Salarisse en Pensioene van Regters, 1959 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:„Pensioene
betaalbaar
aan Regters
na aftre-
ding of ont-
heffing van
amp weens
'n gebrek.**3. (1)** Aan iemand wat op of na die eerste dag van April 1964—(a) ingevolge artikel *twee* aftree; of(b) 'n amp in sub-artikel (1) van artikel *een* vermeld, in 'n permanente hoedanigheid beklee en kragtens sub-artikel (7) van artikel *tien* van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), van sy amp onthef word op grond van onbekwaamheid wat voortspruit uit 'n gebrek in sub-artikel (2) van artikel *twee* vermeld,moet, ná aftreding of ontheffing van sy amp, na gelang van die geval, 'n pensioen ooreenkomstig sub-artikel (2) betaal word ten opsigte van die tydperk wat sodanige aftreding of ontheffing onmiddellik voorafgaan en waarin hy onafgebroke in een of meer van die ampte in sub-artikel (1) van artikel *een* vermeld, gedien het, hetsy in 'n waarnemende of permanente hoedanigheid.

(2) Sodanige pensioen moet maandeliks betaal word teen die skaal van twintig persent per jaar van die jaarlikse salaris wat ten tyde van sodanige persoon se aftreding of ontheffing van sy amp, verbonde is aan die amp wat hy dan in 'n permanente hoedanigheid beklee en, ten opsigte van elke volle jaar (indien daar is) waarmee sy tydperk van ononderbroke diens in sub-artikel (1) vermeld, vyf jaar oorskry, 'n verdere drie persent per jaar van daardie salaris: Met dien verstande dat die jaarlikse bedrag van sodanige pensioen nie 'n bedrag gelyk aan vyftig persent van die gemelde salaris oorskry nie.”.

(2) Artikel *drie* van die Hoofwet soos dit onmiddellik voor die datum van inwerkingtreding van hierdie Wet gegeld het en, vir sover nodig ten einde daardie artikel toe te pas, die Eerste Bylae by die Hoofwet soos dit aldus gegeld het, bly, ondanks die bepalings van sub-artikel (1) en van artikel *agt* van hierdie Wet, van toepassing ten opsigte van iemand wat te eniger tyd voor gemelde datum op die betaling van 'n pensioen ingevolge bedoelde artikel *drie* geregtig geword het: Met dien verstande dat die jaarlikse bedrag van die pensioen wat aan so iemand betaal word, vanaf die gemelde datum met vyfhonderd rand verhoog word.Wysiging van
artikel 6 van
Wet 73 van 1959.**2.** Artikel *ses* van die Hoofwet word hierby gewysig deur die woorde „vier pond” deur die woorde „agt rand” te vervang.Wysiging van
artikel 7 van
Wet 73 van 1959.**3.** Artikel *sewe* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „vier pond” deur die woorde „agt rand” te vervang.Wysiging van
artikel 10 van
Wet 73 van 1959.**4.** Artikel *tien* van die Hoofwet word hierby gewysig deur die woorde „vier pond” en „twee pond” deur onderskeidelik die woorde „agt rand” en „vier rand” te vervang.Wysiging van
artikel 12 van
Wet 73 van 1959.**5.** Artikel *twaalf* van die Hoofwet word hierby gewysig deur die woorde „negehonderd-en-sestig pond” deur die woorde „eenduisend negehonderd-en-twintig rand” te vervang.

No. 20, 1964.]

ACT

To amend the Judges' Salaries and Pensions Act, 1959.

(Afrikaans text signed by the State President.)
(Assented to 28th February, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. (1) The following section is hereby substituted for section *three* of the Judges' Salaries and Pensions Act, 1959 (hereinafter referred to as the principal Act):

Substitution of
section 3 of
Act 73 of 1959.

"Pensions payable to judges after retirement or removal from office on grounds of infirmity.

3. (1) Any person who, on or after the first day of April, 1964—

(a) retires from office in terms of section *two*; or

(b) holds an office referred to in sub-section (1) of section *one* in a permanent capacity and is removed from office under sub-section (7) of section *ten* of the Supreme Court Act, 1959 (Act No. 59 of 1959), on the grounds of incapacity arising out of any such infirmity as is referred to in sub-section (2) of section *two*,

shall, after retirement or removal from office, as the case may be, be paid a pension, in accordance with the provisions of sub-section (2), in respect of the period immediately preceding such retirement or removal, during which he has served continuously, whether in an acting or a permanent capacity, in one or more of the offices referred to in sub-section (1) of section *one*.

(2) Such pension shall be paid monthly at the rate of twenty per cent per annum of the annual salary attaching at the time of such person's retirement or removal from office, as the case may be, to the office then held by him in a permanent capacity and, in respect of every full year (if any) by which his period of continuous service referred to in sub-section (1) exceeds five years, a further three per cent per annum of that salary: Provided that the annual amount of such pension shall not exceed an amount equal to fifty per cent of the said salary."

(2) Section *three* of the principal Act as it existed immediately prior to the date of commencement of this Act and, in so far as is necessary for the application of that section, the First Schedule to the principal Act as it so existed, shall, notwithstanding the provisions of sub-section (1) and of section *eight* of this Act, continue to apply in respect of any person who at any time prior to the said date became entitled to payment of a pension in terms of the said section *three*: Provided that the annual amount of the pension paid to any such person shall be increased by five hundred rand with effect from the said date.

2. Section *six* of the principal Act is hereby amended by the substitution for the words "four pounds" of the words "eight rand".

Amendment of
section 6 of
Act 73 of 1959.

3. Section *seven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "four pounds" of the words "eight rand".

Amendment of
section 7 of
Act 73 of 1959.

4. Section *ten* of the principal Act is hereby amended by the substitution for the words "four pounds" and "two pounds" of the words "eight rand" and "four rand", respectively.

Amendment of
section 10 of
Act 73 of 1959.

5. Section *twelve* of the principal Act is hereby amended by the substitution for the words "nine hundred and sixty pounds" of the words "one thousand nine hundred and twenty rand".

Amendment of
section 12 of
Act 73 of 1959.

Wysiging van
artikel 13 van
Wet 73 van 1959.

6. Artikel *dertien* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „driehonderd pond”, „dertig pond” en „seshonderd pond” deur onderskeidelik die woorde „seshonderd rand”, „sestig rand” en „eenduisend tweehonderd rand” te vervang.

Wysiging van
artikel 21 van
Wet 73 van 1959.

7. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „paragraaf (i) van sub-artikel (2) van artikel *elf* van die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941), en paragraaf (k) van sub-artikel (2) van artikel *elf* van die Inkomstebelastingordonnansie, 1942 (Ordonnansie No. 15 van 1942)” deur die woorde „paragraaf (k) van artikel *elf* van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), en paragraaf (n) van sub-artikel (2) van artikel *elf* van die Inkomstebelastingordonnansie, 1961 (Ordonnansie No. 10 van 1961)” te vervang.

Vervanging van
die Eerste Bylae
by Wet 73 van
1959, soos gewysig
by artikel 1 van
Wet 10 van 1963.

8. Die Eerste Bylae by die Hoofwet word hierby deur die volgende Bylae vervang:

„Eerste Bylae.

Naam van amp.				Salaris per jaar.
Hoofregter van Suid-Afrika	..	..	..	R12,500
Appèlregter	..	..	..	R11,500
Regter-president	..	..	..	R10,500
Regter	..	..	..	R10,000.”.

Vervanging van
„Goewerneur-
generaal” en
„Unie” in Wet
73 van 1959 deur
„Staatspresident”
en „Republiek”.

9. Die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal” oral waar dit voorkom deur die woord „Staatspresident” en die woord „Unie” oral waar dit voorkom deur die woord „Republiek” te vervang.

Kort titel en
inwerkingtreding.

10. Hierdie Wet heet die Wysigingswet op Salarisse en Pensioene van Regters, 1964, en tree op die eerste dag van April 1964 in werking.

6. Section *thirteen* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "three hundred pounds", "thirty pounds" and "six hundred pounds" of the words "six hundred rand", "sixty rand" and "one thousand two hundred rand", respectively. Amendment of section 13 of Act 73 of 1959.

7. Section *twenty-one* of the principal Act is hereby amended by the substitution for the words "paragraph (i) of sub-section (2) of section *eleven* of the Income Tax Act, 1941 (Act No. 31 of 1941), and paragraph (k) of sub-section (2) of section *eleven* of the Income Tax Ordinance, 1942 (Ordinance No. 15 of 1942)" of the words "paragraph (k) of section *eleven* of the Income Tax Act, 1962 (Act No. 58 of 1962), and paragraph (n) of sub-section (2) of section *eleven* of the Income Tax Ordinance, 1961 (Ordinance No. 10 of 1961)". Amendment of section 21 of Act 73 of 1959.

8. The following Schedule is hereby substituted for the First Schedule to the principal Act: Substitution of the First Schedule to Act 73 of 1959, as amended by section 1 of Act 10 of 1963.

"First Schedule.

<i>Designation of office.</i>	<i>Salary per annum.</i>
Chief Justice of South Africa	R12,500
Judge of Appeal	R11,500
Judge President	R10,500
Judge	R10,000."

9. The principal Act is hereby amended by the substitution for the word "Governor-General" wherever it occurs of the words "State President" and for the word "Union" wherever it occurs of the word "Republic". Substitution for "Governor-General" and "Union" in Act 73 of 1959 of "State President" and "Republic".

10. This Act shall be called the Judges' Salaries and Pensions Amendment Act, 1964, and shall come into operation on the first day of April, 1964. Short title and commencement.

No. 21, 1964.]

WET**Tot wysiging van die Ongevallewet, 1941.***(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Maart 1964.)***DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 3 van Wet 30 van 1941, soos gewysig deur artikel 2 van Wet 27 van 1945, artikel 28 van Wet 48 van 1947, artikel 2 van Wet 36 van 1949, artikel 2 van Wet 51 van 1956 en artikel 1 van Wet 7 van 1961.

1. (1) Artikel drie van die Ongevallewet, 1941 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Om-
skrywing
van werks-
man.

3. (1) Behoudens die bepalings van sub-artikel (2) en tensy met die samehang onbestaanbaar, beteken 'werksman' in hierdie Wet, enige persoon wat met 'n werkgewer 'n diens- of vakleerlingskap- of leerlingskapkontrak aangegaan het of daarvolgens werk, hetsy die kontrak uitdruklik of stilswyend, of mondeling of skriftelik is, en hetsy die besoldiging volgens tyd of gedane werk bereken word, of in kontant of in natura is, en ook—

- (a) 'n persoon wie se werksaamheid dit is om vir wins persone of goedere te vervoer deur middel van 'n voertuig, skip of lugvaartuig waarvan hy die gebruik verkry het kragtens 'n ander kontrak as 'n koop- of huurkoopkontrak, hetsy die besoldiging van bedoelde persoon ingevolge daardie kontrak gedeeltelik uit 'n afgesproke bedrag en gedeeltelik uit 'n aandeel in die ontvangste bestaan al dan nie, maar nie ook so 'n persoon wie se beloning alleen uit 'n aandeel in die ontvangste bestaan nie;
- (b) 'n persoon of kategorie van persone wat ten gevolge van die bepalings van paragraaf (b) van sub-artikel (2), sub-paragraaf (ii) van paragraaf (f), of paragraaf (g) of (i) van genoemde sub-artikel, buite die bestek van hierdie Wet val, indien die werkgewer van sodanige persoon of kategorie van persone spesiale reëlings in dier voege met die kommissaris getref het en die voorwaardes wat die kommissaris in verband daarmee voorgeskryf het, nagekom het;
- (c) as 'n werksman dood is of 'n onbevoegde persoon is, sy verteenwoordiger, sy nabestaandes en enige ander persoon aan wie of ten bate van wie skadeloosstelling betaalbaar is;
- (d) na goëddunke van die kommissaris, enige werkgewer—
 - (i) wie se gemiddelde jaarlikse persoonlike loon en winste na oordeel van die kommissaris nie tweeduisend rand te bowe gaan nie;
 - (ii) wat homself gereeld by sy in artikel agt-en-sestig bedoelde staat van jaarlikse lone insluit en wat versoek dat hy as 'n werksman behandel word; en
 - (iii) wie se persoonlike loon en winste in bedoelde staat opgegee word en inbegrepe is by die beraming vir die lopende jaar:

Met dien verstande dat wanneer dit by 'n eis om skadeloosstelling ingevolge hierdie Wet aan die kommissaris blyk dat die diens- of vakleerlingskap- of leerlingskapkontrak waarvolgens die beseerde werksman gewerk het ten tyde van die ongeval wat die besering veroorsaak het, om watter rede ook ongeldig is, die kommissaris na goëddunke met die saak kan handel asof daardie kontrak op die bedoelde tydstop wel geldig was.

(2) Vir die doeleindes van hierdie Wet word die volgende persone nie as werksmense beskou nie—

- (a) (i) persone wat in militêre diens is of opleiding ondergaan binne die bedoeling van die Verdedigingswet, 1957 (Wet no. 44 van 1957), wat nie lede van die Staande Mag van die Suid-Afrikaanse Weermag is nie;

No. 21, 1964.]

ACT

To amend the Workmen's Compensation Act, 1941.

(English text signed by the State President.)

(Assented to 4th March, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. (1) The following section is hereby substituted for section *three* of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act):

“Definition of workman.” 3. (1) Subject to the provisions of sub-section (2) and unless inconsistent with the context, ‘workman’ in this Act means any person who has entered into or works under a contract of service or of apprenticeship or learnership, with an employer, whether the contract is express or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done, or is in cash or in kind, and includes—

- (a) any person whose occupation is conveying for gain, persons or goods by means of any vehicle, ship or aircraft, the use of which he has obtained under any contract other than a purchase or hire-purchase agreement, whether or not the remuneration of such person under such contract be partly an agreed sum and partly a share in takings, but does not include any such person whose remuneration is fixed solely by a share in takings;
- (b) any person or class of persons excluded from the scope of this Act by the provisions of paragraph (b) of sub-section (2), sub-paragraph (ii) of paragraph (f), or paragraph (g) or (i) of the said sub-section, if the employer of such person or class of persons has made special arrangements with the commissioner to that effect and complied with the conditions prescribed by the commissioner in regard thereto;
- (c) when a workman is dead or under disability, his representative, his dependants and any other person to whom or for whose benefit compensation is payable; and
- (d) at the discretion of the commissioner, any employer—
 - (i) whose average annual personal wages and profits do not, in the opinion of the commissioner, exceed two thousand rand;
 - (ii) who habitually includes himself in his statement of annual wages referred to in section *sixty-eight* and who requests that he shall be dealt with as a workman; and
 - (iii) whose personal wages and profits are specified in such statement and included in the estimate for the current year:

Provided that if in any claim for compensation under this Act it appears to the commissioner that the contract of service or apprenticeship or learnership under which the injured workman was working at the time when the accident causing the injury happened was invalid for any reason whatever, the commissioner may in his discretion deal with the matter as if such contract had at the time aforesaid been valid.

(2) The following persons shall not be regarded for the purposes of this Act as workmen—

- (a) (i) persons in military service or undergoing training within the meaning of the Defence Act, 1957 (Act No. 44 of 1957), who are not members of the Permanent Force of the South African Defence Force;

Substitution of section 3 of Act 30 of 1941, as amended by section 2 of Act 27 of 1945, section 28 of Act 48 of 1947, section 2 of Act 36 of 1949, section 2 of Act 51 of 1956 and section 1 of Act 7 of 1961.

- (ii) lede van die Staande Mag van die Suid-Afrikaanse Weermag terwyl hulle „diens ter verdediging van die Republiek” verrig soos in artikel *een* van genoemde Wet omskryf; en
- (iii) lede van die Suid-Afrikaanse Polisiemag terwyl hulle ingevolge artikel *sewe* van die Polisiwet, 1958 (Wet No. 7 van 1958), gebruik word vir diens wat „diens ter verdediging van die Republiek” is soos aldus omskryf;
- (b) persone wie se verdienste, bereken op die wyse uiteengesit in artikel *een-en-veertig*, drieduisend eenhonderd-en-twintig rand per jaar te bowe gaan;
- (c) persone wat by geleentheid en nie vir die doel van die werkgewer se besigheid in diens geneem word nie;
- (d) buitewerkers, dit wil sê, persone aan wie artikels of materiaal deur werkgewers uitgegee word om op ’n perseel wat nie onder die beheer van die werkgewer staan nie, opgemaak, skoongemaak, gewas, versier, afgewerk, herstel, vir verkoop reggemaak, verander of andersins bewerk te word;
- (e) persone wat werk aanneem en wat self ander persone in diens neem om bedoelde werk te verrig, tensy hulle by die in artikel *agt-en-sestig* bedoelde staat van jaarlikse lone inbegrepe is en deur die kommissaris ingevolge paragraaf (d) van sub-artikel (1) van hierdie artikel as werksmense beskou word;
- (f) bediendes as sodanig in diens—
 - (i) in ’n private huishouding; of
 - (ii) in ’n losieshuis of inrigting waarin nie meer as vyf sodanige bediendes gewoonlik in diens is nie;
- (g) persone in diens as seeliede of vliegeniers behalwe soos in artikel *elf* bepaal;
- (h) persone in diens buite die Unie behalwe soos in artikels *tien* en *elf* bepaal; of
- (i) persone in diens in verband met die graaf of wen van alluwiale diamante, alluwiale goud of korundum, of by die prospekter vir alluwiale diamante, alluwiale goud of onedele minerale behalwe ten opsigte van ongevalle wat met die gebruik van masjinerie of springstowwe in verband staan.

(3) ’n Werkgewer wat spesiale reëlins getref het, soos in paragraaf (b) van sub-artikel (1) beoog, is nie geregtig om hom daaraan te onttrek of daarvan af te wyk nie tensy hy nie later as die eerste dag van Julie in een of ander jaar, die kommissaris kennis gegee het van sy voorneme om sodanige reëlins te beëindig nie.

(4) Enige kennisgewing ingevolge sub-artikel (3) tree in werking op die eerste dag van Januarie wat op die datum van die kennisgewing volg en vanaf daardie datum is die persoon of kategorie van persone ten opsigte van wie die reëlins aangegaan is en ten opsigte van wie die kennis gegee is, tensy hulle andersins binne die bestek van die woordbepaling van „werksman” val, nie langer werksmense by die toepassing van hierdie Wet nie.”

(2) Ongeag die bepalings van sub-artikel (1) van hierdie artikel bly paragraaf (g) van sub-artikel (2) van artikel *drie* van die Hoofwet, soos dit bestaan het onmiddellik voor die inwerkingtreding van hierdie Wet, tot die een-en-dertigste dag van Desember 1964 van krag.

Vervanging van artikel 8 van Wet 30 van 1941, soos gewysig deur artikel 5 van Wet 27 van 1945, artikel 3 van Wet 36 van 1949 en artikel 4 van Wet 51 van 1956.

2. Artikel *agt* van die Hoofwet word hierby deur die volgende artikel vervang:

„Verhaal op derde party deur werksman van skadevergoeding en deur kommissaris of werkgewer van betaalde skadeloosstelling.

8. (1) Wanneer ’n ongeval ten opsigte waarvan skadeloosstelling betaalbaar is, onder omstandighede veroorsaak is wat iemand anders as die werkgewer (hieronder die derde party genoem) regtens vir die betaling van skadevergoeding ten opsigte daarvan aan die werksman aanspreeklik maak—

(a) kan die werksman skadeloosstelling ingevolge hierdie Wet eis sowel as in ’n gereghof teen die derde party geregtelike stappe doen om skadevergoeding te verhaal: Met dien verstande dat, ingeval sodanige stappe gedoen word, die hof

- (ii) members of the Permanent Force of the South African Defence Force while on 'service in the defence of the Republic' as defined in section *one* of the said Act; and
- (iii) members of the South African Police Force while employed in terms of section *seven* of the Police Act, 1958 (Act No. 7 of 1958), on service which is 'service in defence of the Republic' as so defined;
- (b) persons whose earnings calculated in the manner set forth in section *forty-one* exceed three thousand one hundred and twenty rand a year;
- (c) persons employed casually and not for the purpose of the employer's business;
- (d) outworkers, that is to say, persons to whom articles or materials are given out by employers to be made up, cleaned, washed, ornamented, finished, repaired, adapted for sale, altered or otherwise worked with on premises not under the control of the employer;
- (e) persons who contract for the carrying out of work and themselves engage other persons to perform such work unless they are included in the statement of annual wages referred to in section *sixty-eight* and are regarded as workmen by the commissioner in terms of paragraph (d) of sub-section (1) of this section;
- (f) domestic servants employed as such—
 - (i) in a private household; or
 - (ii) in a boarding house or institution in which are ordinarily employed not more than five such servants;
- (g) persons employed as seamen or airmen, save as provided in section *eleven*;
- (h) persons employed outside the Union, save as provided in sections *ten* and *eleven*; or
- (i) persons employed in connection with digging for or winning alluvial diamonds, alluvial gold or corundum, or in prospecting for alluvial diamonds, alluvial gold or base minerals, except in respect of accidents connected with the use of machinery or explosives.

(3) An employer who has made any special arrangement contemplated in paragraph (b) of sub-section (1) shall not be entitled to withdraw or depart therefrom unless he has not later than the first day of July in any year, given notice to the commissioner of his intention to terminate such arrangement.

(4) Any notice under sub-section (3) shall operate from the first day of January following the date of the notice and from that date the person or class of persons in respect of whom or which the arrangement was made and in respect of whom or which such notice was given shall, unless otherwise included in the definition of 'workman', cease to be workmen for the purposes of this Act."

(2) Notwithstanding the provisions of sub-section (1) of this section, paragraph (g) of sub-section (2) of section *three* of the principal Act, as it existed immediately prior to the commencement of this Act, shall remain in operation until the thirty-first day of December, 1964.

2. The following section is hereby substituted for section *eight* of the principal Act:

"Recovery from third party by workman of damages and by commissioner or employer of compensation paid.

8. (1) Where an accident in respect of which compensation is payable, was caused in circumstances creating a legal liability in some person other than the employer (hereinafter referred to as the third party) to pay damages to the workman in respect thereof—

(a) the workman may both claim compensation under this Act and take proceedings in a court of law against the third party to recover damages: Provided that where any such pro-

Substitution of section 8 of Act 30 of 1941, as amended by section 5 of Act 27 of 1945, section 3 of Act 36 of 1949 and section 4 of Act 51 of 1956.

by die toewysing van skadevergoeding rekening moet hou met die bedrag wat uit hoofde van die bepalings van paragraaf (b) waarskynlik deur die derde party aan die kommissaris of die werkgewer indiuidueel aanspreeklik (hieronder die werkgewer genoem), al na die geval, betaal sal moet word; en

- (b) het die kommissaris of die werkgewer deur wie skadeloosstelling betaalbaar is, die reg om teen die derde party geregtelike stappe te doen vir die verhaal van die skadeloosstelling wat hy ingevolge hierdie Wet weens die ongeval verplig is om te betaal, en kan hy daardie reg uitoefen of deur in 'n geding deur die werksman teen die derde party ingestel, tussenbei te tree, of deur self geregtelike stappe te doen: Met dien verstande dat die ingevolge hierdie paragraaf verhaalbare bedrag nie die bedrag van die skadevergoeding (as daar is) mag oorskry wat volgens die oordeel van die hof aan die werksman toegeken sou geword het as hierdie Wet nie bestaan het nie.

(2) Die werksman moet, voordat hy ingevolge sub-artikel (1) geregtelike stappe doen, die kommissaris of die werkgewer, al na die geval, skriftelik in kennis stel van sy voorneme om dit te doen, en moet die kommissaris of die werkgewer insgelyks in kennis stel indien hy besluit om sodanige stappe te laat vaar of om van sy eis om skadevergoeding af te sien of dit te skik, en moet in verband met so 'n kennisgewing die besonderhede verstrek wat deur die kommissaris verlang word.

(3) Ondanks enigiets in een of ander wet vervat, verjaar 'n eis ingevolge sub-artikel (1) deur die kommissaris of die werkgewer nie voor verstryking van 'n tydperk van drie maande vanaf die datum waarop die kommissaris skadeloosstelling toegeken en dit as 'n finale toekenning gesertifiseer het nie, mits van die voorneme van die kommissaris of die werkgewer om geregtelike stappe kragtens hierdie artikel te doen, skriftelik aan die derde party kennis gegee is binne twaalf maande na ontvangs deur die kommissaris of die werkgewer, al na die geval, van behoorlike kennisgewing van die ongeval.

(4) By die toepassing van hierdie artikel omvat 'skadeloosstelling' ook die koste van geneeskundige behandeling en enige bedrag betaal of betaalbaar ingevolge sub-artikel (2) van artikel *veertig*, artikel *vier-en-veertig*, sub-artikel (2) van artikel *ses-en-sewentig* of sub-artikel (2) van artikel *ses-en-tagtig*, en in die geval van 'n voortdurende verpligting ook die gekapitaliseerde waarde, soos deur die kommissaris vasgestel, van die pensioen (ongeach of 'n enkele geldsom in plaas van die pensioen of 'n gedeelte daarvan te eniger tyd kragtens artikel *nege-en-veertig* betaal word), periodieke uitkering of toelae wat, na gelang van die geval, die verpligting uitmaak.

(5) Sonder die skriftelike toestemming van die kommissaris word geen geregtelike stappe deur 'n werksman in 'n geregshof teen 'n in sub-artikel (1) bedoelde persoon gedoen om skadevergoeding te verhaal nie, tensy hy 'n eis om skadeloosstelling ingedien het, of tensy, in die geval van 'n natuurlike werksman, sy werkgewer die nodige besonderhede van die ongeval aan die kommissaris ingevolge sub-artikel (1) van artikel *een-en-veertig* verstrek het."

Wysiging van
van artikel 34 van
Wet 30 van 1941,
soos ingevoeg deur
artikel 12 van
Wet 51 van 1956.

3. Artikel *vier-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die uitdrukking „paragraaf (b)” deur die uitdrukking „paragraaf (c)” te vervang.

Wysiging van
artikel 41 van
Wet 30 van 1941,
soos gewysig deur
artikel 21 van
Wet 27 van 1945
en artikel 17 van
Wet 36 van 1949.

4. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) *bis* die uitdrukking „paragraaf (c)” deur die uitdrukking „paragraaf (d)” te vervang.

ceedings are instituted, the court shall in awarding damages, have regard to the amount which, by virtue of the provisions of paragraph (b), is likely to become payable to the commissioner or the employer individually liable (hereinafter referred to as the employer), as the case may be, by the third party; and

- (b) the commissioner or the employer by whom compensation is payable shall have a right of action against the third party for the recovery of the compensation he is obliged to pay under this Act as a result of the accident, and may exercise such right either by intervening in proceedings instituted by the workman against the third party or by instituting separate proceedings: Provided that the amount recoverable in terms of this paragraph shall not exceed the amount of damages, if any, which in the opinion of the court would have been awarded to the workman but for the provisions of this Act.

(2) The workman shall before instituting proceedings under sub-section (1) in writing notify the commissioner or the employer, as the case may be, of his intention to do so, and shall likewise notify the commissioner or the employer if he decides to abandon such proceedings or to relinquish or settle his claim for damages, and shall in connection with any such notification furnish such particulars as the commissioner may require.

(3) Notwithstanding anything contained in any law, no claim by the commissioner or by the employer under sub-section (1) shall become prescribed until after the expiration of a period of three months from the date on which the commissioner has made an award of compensation certified by him to be a final award, provided written notice of the intention of the commissioner or the employer to institute proceedings in terms of this section has been given to the third party within twelve months of the receipt by the commissioner or the employer, as the case may be, of due notice of the accident.

(4) For the purposes of this section, 'compensation' includes the cost of medical aid and any amount paid or payable in terms of sub-section (2) of section *forty*, section *forty-four*, sub-section (2) of section *seventy-six* or sub-section (2) of section *eighty-six*, and in the case of a continuing liability, also the capitalized value, as determined by the commissioner, of the pension (irrespective of whether a lump sum is at any time paid in lieu of the whole or a portion of such pension in terms of section *forty-nine*), periodical payment or allowance, as the case may be, which constitutes the liability.

(5) No proceedings in a court of law to recover damages against any person referred to in sub-section (1) may be taken by a workman without the written consent of the commissioner unless he has lodged a claim for compensation, or unless, in the case of a native workman, his employer has furnished particulars of the accident to the commissioner in terms of sub-section (1) of section *fifty-one*."

3. Section *thirty-four* of the principal Act is hereby amended by the substitution in sub-section (1) for the expression "paragraph (b)" of the expression "paragraph (c)".

Amendment of section 34 of Act 30 of 1941, as inserted by section 12 of Act 51 of 1956.

4. Section *forty-one* of the principal Act is hereby amended by the substitution in sub-section (3)*bis* for the expression "paragraph (c)" of the expression "paragraph (d)".

Amendment of section 41 of Act 30 of 1941, as amended by section 21 of Act 27 of 1945 and section 17 of Act 36 of 1949.

Vervanging van artikel 83 van Wet 30 van 1941, soos gewysig deur artikel 31 van Wet 36 van 1949.

5. Artikel *drie-en-tagtig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Prosedure wanneer werksman 'n natuurel is.

83. (1) 'n Bantoesakekommissaris of (waar daar geen Bantoesakekommissaris is nie) 'n landdros moet sodanige hulp verleen as wat te eniger tyd redelikerwys nodig mag wees aan 'n natuurellewerksman of sy nabestaandes of aan die kommissaris in verband met die afhandeling van enige eis om skadeloosstelling of geneeskundige behandeling wat voortspruit uit 'n ongeval wat sodanige werksman oorgekom het.

(2) Die bepalings van artikels *vyftig* en *vier-en-vyftig* is nie bindend op 'n natuurellewerksman nie.”.

Vervanging van artikel 89 van Wet 30 van 1941, soos gewysig deur artikel 4 van Wet 5 van 1951 en artikel 17 van Wet 7 van 1961.

6. Artikel *nege-en-tagtig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Skadeloosstelling ten opsigte van vergoedingspligtige bedryfsiektes.

89. Wanneer tot bevrediging van die kommissaris op 'n deur hom bepaalde wyse bewys word dat 'n werksman aan 'n vergoedingspligtige siekte ly wat aan die aard van sy werksaamhede te wyte is en wat arbeidsongeskiktheid veroorsaak, of dat die dood van 'n werksman deur so 'n siekte veroorsaak is, dan is die werksman op skadeloosstelling geregtig asof daardie arbeidsongeskiktheid of dood deur 'n ongeval veroorsaak was, en behoudens die bepalings van hierdie Hoofstuk, is die bepalings van hierdie Wet *mutatis mutandis* van toepassing, tensy die werksman by sy indienstreding opsetlik en valslik aan die werk-gewer voorgegee het dat hy nooit vantevore aan die siekte gely het nie: Met dien verstande dat wanneer die werksman op die datum van die arbeidsongeskiktheid of dood nie in die werksaamheid in diens was nie, aan die aard waarvan die siekte toegeskryf word, die verdienste van die werksman bereken moet word op grondslag van sy verdienste toe hy laas in daardie werksaamheid in diens was.”.

Wysiging van artikel 91 van Wet 30 van 1941.

7. Artikel *een-en-negentig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „die in sub-artikel (3) van artikel *drie-en-tagtig* bedoelde besonderhede” deur die woorde „die in sub-artikel (1) van artikel *een-en-vyftig* bedoelde verslag” te vervang.

Wysiging van artikel 109*bis* van Wet 30 van 1941, soos ingevoeg deur artikel 30 van Wet 51 van 1956.

8. Artikel *honderd-en-nege bis* van die Hoofwet word hierby, met ingang van die inwerkingtreding daarvan, gewysig deur in sub-artikel (1) na die woord „Wet” die woorde „en enige wysigings daarvan” en na die woord „gebied”, waar dit die eerste maal voorkom, die woorde „met inbegrip van die Oostelike Caprivi Zipfel waarna in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word” in te voeg.

Kort titel.

9. Hierdie Wet heet die Ongevallewysigingswet, 1964.

5. The following section is hereby substituted for section *eighty-three* of the principal Act:

"Procedure where workman is a native.

83. (1) A Bantu affairs commissioner or (where there is no Bantu affairs commissioner) magistrate shall render such assistance as may at any time be reasonably necessary to a native workman or his dependants or to the commissioner in connection with the settlement of any claim for compensation or medical aid resulting from an accident to such a workman.

(2) The provisions of sections *fifty* and *fifty-four* shall not be binding upon a native workman."

Substitution of section 83 of Act 30 of 1941, as amended by section 31 of Act 36 of 1949.

6. The following section is hereby substituted for section *eighty-nine* of the principal Act:

"Compensation in respect of scheduled industrial diseases.

89. Where it is proved to the satisfaction of the commissioner in such manner as he may determine that a workman is suffering from a scheduled disease due to the nature of his occupation and is thereby disabled for employment, or that the death of the workman was caused by such disease, the workman shall be entitled to compensation as if such disablement or death had been caused by an accident, and the provisions of this Act shall, subject to the provisions of this Chapter, *mutatis mutandis* apply unless at the time of entering into the employment, the workman wilfully and falsely represented to the employer that he had not previously suffered from the disease: Provided that where the workman was not, at the date of the disablement or death, employed in the occupation to the nature of which the disease is due, the earnings of the workman shall be calculated on the basis of his earnings when he was last employed in such occupation."

Substitution of section 89 of Act 30 of 1941, as amended by section 4 of Act 5 of 1951 and section 17 of Act 7 of 1961.

7. Section *ninety-one* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "the particulars referred to in sub-section (3) of section *eighty-three*" of the words "the report as required in terms of sub-section (1) of section *fifty-one*".

Amendment of section 91 of Act 30 of 1941.

8. Section *one hundred and nine bis* of the principal Act is hereby amended with effect from the commencement thereof by the insertion in sub-section (1) after the word "Act" of the words "and any amendments thereto" and after the word "territory" where it occurs for the first time of the words "including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)".

Amendment of section 109*bis* of Act 30 of 1941, as inserted by section 30 of Act 51 of 1956.

9. This Act shall be called the Workmen's Compensation Short title. Amendment Act, 1964.

No. 22, 1964.]

WET

Om voorsiening te maak vir die registrasie van planttelersregte ten opsigte van nuwe plante wat in die Republiek ontstaan, en vir die beskerming van die regte van persone wat bedoelde regte registreer; om die Wet op Patente, 1952, te wysig; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 Maart 1964.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrivings.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „applikant” ook die regsverteenvoerder van ’n ooredele applikant of van ’n applikant wat ’n handelingsonbevoegde persoon is; (i)
- (ii) „beampte” ’n beampte soos omskryf in artikel een van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (ix)
- (iii) „datum van aansoek” die datum waarop ’n aansoek om voorlopige planttelersregte ingevolge artikel nege deur die registrateur ontvang is; (ii)
- (iv) „departement” die Departement van Landbou-egniese Dienste; (iii)
- (v) „hierdie Wet” ook ’n regulasie daarkragtens uitgevaardig; (xvi)
- (vi) „lisensie” ’n lisensie ingevolge sub-artikel (3) van artikel agtien toegestaan; (vi)
- (vii) „Minister” die Minister van Landbou-egniese Dienste; (vii)
- (viii) „nuwe plant” ’n plant wat aan die vereistes van artikel ses voldoen; (viii)
- (ix) „plant”, wanneer dit as naamwoord gebesig word, enige plant en, wanneer dit as werkwoord gebesig word, ook ent of okuleer op ’n ander plant; (x)
- (x) „planttelersregte” voorlopige planttelersregte ingevolge artikel tien toegestaan of finale planttelersregte ingevolge artikel vyftien toegestaan of albei, na gelang van die geval; (xi)
- (xi) „registrateur” die beampte wat ingevolge paragraaf (a) van sub-artikel (1) van artikel drie as registrateur aangewys is; (xiv)
- (xii) „soort” alle verwante spesies, sub-spesies en variëteite van ’n plant wat onder dieselfde algemene naam bekend is; (v)
- (xiii) „variëteit”—
 - (a) ’n botaniese variëteit, cultivar, teelwyn of klone wat genoegsaam homogeen is, wat van ’n ander van dieselfde soort deur een of meer eienskappe onderskei kan word en wat na herhaalde vegetatiewe voortplanting of voortplanting deur saad redelik eenvormig en stabiel is; of
 - (b) ’n eenvormige groep wat ’n eerste-generasiebaster is wat by elke geleentheid hersaamgestel kan word deur die kruising van twee of meer teelwyn wat deur inteling in stand gehou word; (xvii)
- (xiv) „verkoop” ook vir verkoop aanbied, adverteer, hou, uitstal, versend, vervoer, lewer of voorberei of verruil of teen enige vergoeding hoegenaamd van die hand sit of ingevolge ’n verkoping, verruiling of vandiehandsetting soos vermeld, versend, vervoer of lewer; (xv)
- (xv) „voorgeskryf” of „voorgeskrewe” by hierdie Wet voorgeskryf; (xii)
- (xvi) „voortplantingsmateriaal” ’n deel van ’n plant wat gebruik word om die plant te vermeerder; (xiii)
- (xvii) „vrugteboom” ’n boom waarvan die vrugte of saad as voedsel vir mense gebruik word. (iv)

Toepassing van Wet.

2. Die bepalinge van hierdie Wet is op enige nuwe plant van toepassing.

Aanwysing van registrateur en ander beamptes.

3. (1) Die Minister wys—

- (a) ’n beampte in diens van die departement as registrateur aan, wat die bevoegdhede uitoefen en die werksaamhede verrig wat by hierdie Wet aan die registrateur toegewys word; en

No. 22, 1964.]

ACT

To provide for the registration of plant breeders' rights in respect of new plants which originate in the Republic, and for the protection of the rights of persons who register such rights; to amend the Patents Act, 1952; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 5th March, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates— Definitions.
 - (i) "applicant" includes the legal representative of a deceased applicant or of an applicant who is a person under legal disability; (i)
 - (ii) "date of application" means the date on which an application for provisional plant breeders' rights in terms of section *nine* was received by the registrar; (iii)
 - (iii) "department" means the Department of Agricultural Technical Services; (iv)
 - (iv) "fruit tree" means any tree of which the fruit or seed is used as a foodstuff for humans; (xvii)
 - (v) "kind" means all related species, sub-species and varieties of any plant which are known by the same common name; (xii)
 - (vi) "licence" means any licence granted in terms of sub-section (3) of section *eighteen*; (vi)
 - (vii) "Minister" means the Minister of Agricultural Technical Services; (vii)
 - (viii) "new plant" means any plant which complies with the requirements of section *six*; (viii)
 - (ix) "officer" means an officer as defined in section *one* of the Public Service Act, 1957 (Act No. 54 of 1957); (ii)
 - (x) "plant", when used as a noun, means any plant and, when used as a verb, includes graft or bud on another plant; (ix)
 - (xi) "plant breeders' rights" means provisional plant breeders' rights granted in terms of section *ten* or final plantbreeders' rights granted in terms of section *fifteen* or both, as the case may be; (x)
 - (xii) "prescribed" means prescribed by this Act; (xv)
 - (xiii) "propagation material" means a part of a plant which is used to multiply such plant; (xvi)
 - (xiv) "registrar" means the officer designated as registrar in terms of paragraph (a) of sub-section (1) of section *three*; (xi)
 - (xv) "sell" includes to offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or to exchange or to dispose of for any consideration whatsoever or to transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid; (xiv)
 - (xvi) "this Act" includes any regulation made thereunder; (v)
 - (xvii) "variety" means—
 - (a) a botanical variety, cultivar, breeding line or clone which is sufficiently homogeneous, which can be differentiated from another of the same kind by one or more characteristics and which is reasonably uniform and stable after repeated vegetative propagation or propagation by seed; or
 - (b) any uniform group which is a first generation hybrid which can be reconstituted on each occasion by crossing two or more breeding stocks maintained by inbreeding. (xiii)
2. The provisions of this Act shall apply to any new plant. Application of Act.
3. (1) The Minister shall designate— Designation of registrar and other officers.
 - (a) an officer in the service of the department as registrar, who shall exercise the powers and carry out the functions assigned to the registrar by this Act; and

(b) sodanige ander beamptes in diens van die departement aan as wat hy vir die toepassing van hierdie Wet nodig ag.

(2) Die registrateur kan by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede enigiemand raadpleeg wat, na sy oordeel, beskik oor spesiale of deskundige kennis van 'n plant ten opsigte waarvan 'n aansoek om planttelersregte gedoen is of van 'n aangeleentheid, met inbegrip van 'n regspraak, waarvoor hy moet beslis.

Register.

4. (1) Die registrateur hou of laat hou 'n register waarin aangeteken word—

(a) die name en adresse van applikante om planttelersregte en persone aan wie sodanige regte toegestaan of oorgedra is;

(b) die name, volgens soorte, van nuwe plante ten opsigte waarvan aansoek om planttelersregte gedoen of planttelersregte toegestaan is;

(c) die intrekking van planttelersregte; en

(d) enige ander besonderhede wat voorgeskryf word.

(2) Alle dokumente by die registrateur ingedien betreffende planttelersregte of 'n aansoek om planttelersregte word vir die voorgeskrewe tydperk deur hom bewaar.

(3) Die register en enige dokument wat by die registrateur ingedien is, is teen betaling van die voorgeskrewe gelde en onderworpe aan die bepalings van hierdie Wet, gedurende die voorgeskrewe ure vir insae deur die publiek beskikbaar.

(4) Die registrateur verstrek op versoek van enigiemand en teen betaling van die voorgeskrewe gelde, afskrifte van enige dokument wat by hom ingedien is en wat vir insae deur die publiek beskikbaar is, of van besonderhede in die register, of 'n sertifikaat ten opsigte daarvan.

Register dien as bewys.

5. (1) Die register ingevolge sub-artikel (1) van artikel vier gehou, dien as *prima facie*-bewys van alle aangeleenthede wat volgens hierdie Wet daarin aangeteken moet of mag word.

(2) 'n Sertifikaat van die registrateur ten effekte dat 'n aantekening wel of nie in die register gemaak is nie of dat enige ander iets wat volgens hierdie Wet gedoen mag word, wel of nie gedoen is nie, is *prima facie*-bewys van die aangeleentheid in daardie sertifikaat vermeld.

(3) 'n Afskrif van 'n aantekening in die register of van 'n dokument deur die registrateur bewaar of 'n uittreksel uit die register of uit so 'n dokument, deur die registrateur gesertifiseer, word sonder verdere bewys of voorlegging van die oorspronklikes in alle howe as getuienis toegelaat.

Plante ten opsigte waarvan planttelersregte toegestaan kan word.

6. Planttelersregte kan toegestaan word ten opsigte van 'n plant wat—

(a) sy ontstaan in die Republiek gehad het deur—

(i) kunsmatige teling;

(ii) spontane mutasie;

(iii) toevallige natuurlike kruising; of

(iv) kunsmatige behandeling;

(b) nie voor die datum van aansoek in die handel of andersins aan die publiek beskikbaar was nie;

(c) nie voor die datum van aansoek algemeen bekend was nie;

(d) redelik eenvormig en stabiel is; en

(e) duidelik morfologies of fisiologies onderskei kan word van alle bekende plante van dieselfde soort wat voor die datum van aansoek bestaan het.

Naam van plant.

7. (1) Die naam van 'n nuwe plant word voorgestel deur die persoon wat om planttelersregte aansoek doen, maar so 'n naam is onderworpe aan die goedkeuring van die registrateur, wat te eniger tyd voor die toestaan van finale planttelersregte ingevolge artikel vyftien, die bevoegdheid het, na oorweging van die verhoë of besware van die applikant of 'n beswaarmaker, om die naam te verwerp of dit te verander, indien dit, na sy oordeel—

(a) identies is met of verwar kan word met die naam van 'n ander plant van dieselfde soort, hetsy planttelersregte ten opsigte van daardie plant ingevolge hierdie Wet geregistreer is al dan nie, of met die handelsmerk wat ingevolge 'n ander wetsbepaling vir 'n plant, vrug, voedsel of saad geregistreer is;

(b) nie met die internasionale kode vir nomenklatuur van plante ooreenstem nie;

(c) misleidend is of 'n verkeerde indruk van die eienskappe van die plant skep; of

- (b) such other officers in the service of the department as he may consider necessary for the purposes of this Act.
- (2) The registrar may, in the exercise of his powers and the carrying out of his functions, consult anyone, who, in his opinion, possesses a special or expert knowledge of a plant in respect of which application for plant breeders' rights has been made or of any matter, including any legal question, which he is required to decide.
4. (1) The registrar shall keep or cause to be kept a register ^{Register.} wherein shall be noted—
- (a) the names and addresses of applicants for plant breeders' rights and persons to whom such rights have been granted or transferred;
 - (b) the names, according to kinds, of new plants in respect of which plant breeders' rights have been applied for or granted;
 - (c) the cancellation of plant breeders' rights; and
 - (d) any other particulars that may be prescribed.
- (2) All documents lodged with the registrar concerning plant breeders' rights or any application for plant breeders' rights shall be preserved by him for the prescribed period.
- (3) The register and any document lodged with the registrar shall, on payment of the prescribed fees and subject to the provisions of this Act, be open to inspection by the public during the prescribed hours.
- (4) The registrar shall, at the request of any person and on payment of the prescribed fees, furnish copies of any document which is lodged with him and which is open to public inspection or of particulars in the register, or furnish a certificate in respect thereof.

5. (1) The register kept in terms of sub-section (1) of section ^{Register to} four, shall be *prima facie* evidence of all matters directed ^{be evidence.} or authorized by this Act to be noted therein.

(2) A certificate by the registrar to the effect that an entry has or has not been made in the register or that any other thing authorized by this Act to be done, has or has not been done, shall be *prima facie* evidence of the matters specified in that certificate.

(3) A copy of an entry in the register or of a document preserved by the registrar, or an extract from the register or from any such document, certified by the registrar, shall be admitted in evidence in all courts without further proof or production of the originals.

6. Plant breeders' rights may be granted in respect of a ^{Plants in respect} plant which— ^{of which plant}

- (a) had its origin in the Republic by—
 - (i) artificial breeding;
 - (ii) spontaneous mutation;
 - (iii) chance natural crossing; or
 - (iv) artificial treatment;
- (b) before the date of application was not available to the public in trade or otherwise;
- (c) before the date of application was not generally known;
- (d) is reasonably uniform and stable; and
- (e) is clearly morphologically or physiologically distinguishable from all known plants of the same kind which existed before the date of application.

^{may be granted.}

7. (1) The name of a new plant shall be proposed by the ^{Name of plant.} person who applies for plant breeders' rights, but such name shall be subject to the approval of the registrar who at any time before the grant of final plant breeders' rights in terms of section *fifteen*, shall have the power, after consideration of the representations or objections of the applicant or any objector, to reject the name or to change it, if, in his opinion, it—

- (a) is identical with or may be confused with the name of any other plant of the same kind, whether plant breeders' rights in respect of that plant have been registered in terms of this Act or not, or with the trade mark which in terms of any other law has been registered for a plant, fruit, food or seed;
- (b) does not correspond with the international code for the nomenclature of plants;
- (c) is misleading or creates a wrong impression of the characteristics of the plant; or

(d) strydig is met 'n wetsbepaling of onsedelik is of bereken is om iemand aanstoot te gee.

(2) Die registrateur kan te eniger tyd na goeddunke die naam van 'n plant verander indien die naam van sodanige plant in 'n variëteitlys ingevolge artikel *nege* van die Wet op Saad, 1961 (Wet No. 28 van 1961), verander word.

Wie om voorlopige planttelersregte aansoek kan doen.

8. (1) 'n Aansoek om voorlopige planttelersregte ten opsigte van 'n nuwe plant kan gedoen word—

(a) deur die eienaar van die plant;

(b) deur die persoon aan wie die regte van die eienaar van die plant skriftelik oorgedra is; of

(c) in enige ander geval wat nie deur die bepalings van paragraaf (a) of (b) gedek word nie, deur 'n persoon wat deur die registrateur aangewys word.

(2) By die toepassing van sub-artikel (1) beteken die woord „eienaar”, met betrekking tot 'n nuwe plant wat geteel is of sy ontstaan gehad het op en groei op grond terwyl dit in die wettige okkupasie van 'n ander persoon as die eienaar van die grond is, die wettige okkupeerder van daardie grond, maar slegs vir so lank as wat daardie reg van okkupasie voortbestaan.

Aansoek om voorlopige planttelersregte.

9. (1) Iemand wat ingevolge artikel *agt* geregtig is om dit te doen, kan by die registrateur aansoek doen om voorlopige planttelersregte ten opsigte van 'n nuwe plant.

(2) Aansoek om sodanige regte word op die voorgeskrewe vorm en wyse gedoen en word vergesel van die voorgeskrewe gelde en 'n beëdigde verklaring van die applikant op die voorgeskrewe vorm betreffende—

(a) die gronde waarop die applikant sy reg om aansoek te doen, baseer;

(b) die voorkoms en al die eienskappe van die plant en die toestande waaronder die plant, na verwagting, sodanige eienskappe sal openbaar;

(c) die wyse waarop en die plek waar die plant geteel is of ontstaan het;

(d) in die geval van 'n spontane mutasie, die variëteitnaam van die ouerplant waarop die mutasie ontstaan het; en

(e) enige ander besonderhede wat voorgeskryf word.

(3) Die registrateur kan vereis—

(a) dat die nuwe plant of die plante waaruit dit ontstaan het, aan hom of aan 'n persoon deur hom aangewys, getoon word;

(b) dat gekleurde illustrasies, monsters van lewende plante of enige dele daarvan of enige ander beskrywing of inligting wat hy nodig ag om te bepaal of die betrokke plant nuut is al dan nie, aan hom verstrekk word.

Toestaan van voorlopige planttelersregte.

10. (1) Die registrateur ondersoek of laat ondersoek 'n aansoek by hom ingevolge artikel *nege* gedoen, om te bepaal of die betrokke plant 'n nuwe plant is en of die applikant ingevolge artikel *agt* geregtig is om so 'n aansoek te doen.

(2) Indien, na die oordeel van die registrateur, die plant 'n nuwe plant is en die applikant geregtig is om aansoek om voorlopige planttelersregte ten opsigte daarvan te doen, moet die registrateur—

(a) voorlopige planttelersregte ten opsigte van die plant met ingang van die datum van aansoek aan die applikant toestaan;

(b) die voorgeskrewe besonderhede van die persoon aan wie en van die plant ten opsigte waarvan bedoelde regte toegestaan is in die in sub-artikel (1) van artikel *vier* bedoelde register aanteken; en

(c) 'n sertifikaat van registrasie van voorlopige planttelersregte ten opsigte van die plant aan die applikant uitreik of laat uitreik.

(3) Voorlopige planttelersregte ten opsigte van 'n plant word vir 'n tydperk van twee tot vyf jaar soos die Minister by kennisgewing in die *Staatskoerant* bepaal, toegestaan, maar indien die persoon ten gunste van wie sodanige regte geregistreer is of die persoon aan wie hy sulke regte skriftelik oorgedra het, gedurende die aldus bepaalde tydperk ingevolge sub-artikel (1) van artikel *veertien* om finale planttelersregte aansoek doen, vervel die voorlopige planttelersregte op die datum waarop die registrateur die betrokke persoon skriftelik in kennis stel dat die aansoek toegestaan is.

(4) Die houër van geregistreerde voorlopige planttelersregte ten opsigte van 'n plant het die alleenreg gedurende die tydperk van die duur van daardie regte om—

(a) in die geval van 'n plant wat vegetatief voortplant, plante wat van so 'n plant gekweek is of vegetatiewe voortplantingsmateriaal daarvan; of

(d) conflicts with any law or is immoral or calculated to give offence to any person.

(2) The registrar may at any time in his discretion change the name of a plant if the name of such plant in a varietal list is changed in terms of section *nine* of the Seeds Act, 1961 (Act No. 28 of 1961).

8. (1) An application for provisional plant breeders' rights in respect of a new plant may be made—

Who may apply for provisional plant breeders' rights.

- (a) by the owner of such plant;
- (b) by the person to whom the rights of the owner of such plant have been transferred in writing; or
- (c) in any other case which is not covered by the provisions of paragraph (a) or (b), by a person designated by the registrar.

(2) For the purposes of sub-section (1) the word "owner" in relation to a new plant which was bred or had its origin on and is growing on land while in the lawful occupation of any person other than the owner of the land, means the lawful occupier of such land, but only for so long as such right of occupation subsists.

9. (1) Any person entitled to do so in terms of section *eight*, may apply to the registrar for provisional plant breeders' rights in respect of a new plant.

Application for provisional plant breeders' rights.

(2) Application for such rights shall be made on the form and in the manner prescribed and shall be accompanied by the prescribed fees and an affidavit of the applicant on the prescribed form concerning—

- (a) the grounds on which the applicant bases his right to apply;
 - (b) the appearance and all the characteristics of the plant and the conditions in which it is anticipated the plant will reveal such characteristics;
 - (c) the manner in which and the place where the plant was bred or originated;
 - (d) in the case of a spontaneous mutation, the varietal name of the parent plant on which the mutation originated; and
 - (e) any other particulars that may be prescribed.
- (3) The registrar may require—
- (a) that the new plant, or the plants from which it originated, be shown to him or to a person designated by him;
 - (b) that coloured illustrations, samples of living plants or any parts thereof or any other description or information which he deems necessary to determine whether the plant concerned is new or not, be furnished to him.

10. (1) The registrar shall investigate or cause to be investigated any application made to him in terms of section *nine*, in order to determine whether the plant concerned is a new plant and whether the applicant is entitled in terms of section *eight* to make such an application.

Grant of provisional plant breeders' rights.

(2) If, in the opinion of the registrar, the plant is a new plant and the applicant is entitled to apply for provisional plant breeders' rights in respect thereof, the registrar shall—

- (a) grant to the applicant provisional plant breeders' rights in respect of the plant with effect from the date of application;
- (b) note in the register referred to in sub-section (1) of section *four* the prescribed particulars of the person to whom and of the plant in respect of which such rights have been granted; and
- (c) issue or cause to be issued a certificate of registration of provisional plant breeders' rights in respect of the plant to the applicant.

(3) Provisional plant breeders' rights in respect of a plant shall be granted for a period of two to five years as the Minister may determine by notice in the *Gazette*, but if during the period so determined the person in whose favour such rights have been registered or the person to whom he has transferred such rights in writing, applies in terms of sub-section (1) of section *fourteen* for final plant breeders' rights, the provisional plant breeders' rights shall lapse on the date on which the registrar advises the person concerned in writing that the application has been granted.

(4) The holder of registered provisional plant breeders' rights shall during the period of duration of those rights, have the sole right to sell, propagate or multiply—

- (a) in the case of a plant which propagates vegetatively, plants cultivated from such plant or vegetative propagation material thereof; or

(b) in die geval van 'n plant wat deur saad voortplant, die saad daarvan, te verkoop, voort te plant of te vermeerder: Met dien verstande dat iemand wat enige sodanige plant, voortplantingsmateriaal of saad, na gelang van die geval, koop of andersins verkry en dit plant, die produkte of saad daardeur verkry, vir 'n ander doel as vir voortplanting of vermeerdering kan verkoop.

(5) Die toestaan van voorlopige planttelersregte ten opsigte van 'n nuwe plant ingevolge sub-artikel (2) word in die *Staatskoerant* bekend gemaak.

Weiering van
voorlopige
planttelersregte.

11. (1) Indien, na die oordeel van die registrateur—

- (a) 'n aansoek om voorlopige planttelersregte nie aan die voorskrifte van artikel *nege* voldoen nie;
- (b) die plant ten opsigte waarvan so 'n aansoek gedoen is, nie 'n nuwe plant is nie; of
- (c) die applikant nie ingevolge artikel *agt* geregtig is om so 'n aansoek te doen nie,

wys die registrateur die aansoek van die hand.

(2) Die registrateur stel die applikant skriftelik in kennis van sy beslissing en die gronde waarop dit gebaseer is.

(3) Die applikant kan binne 'n tydperk van dertig dae 'n skriftelike beswaar teen die registrateur se beslissing by hom indien.

(4) Die registrateur oorweeg so 'n beswaar en stel die applikant skriftelik van sy beslissing in kennis.

Kennisgewing
van en gronde
vir beswaar.

12. (1) Enigiemand, met inbegrip van 'n behoorlik gemagtigde beampte in diens van 'n Staatsdepartement, kan binne ses maande of sodanige langer tydperk as wat voorgeskryf word, na die datum waarop 'n kennisgewing ingevolge sub-artikel (5) van artikel *tien* in die *Staatskoerant* verskyn het, by die registrateur 'n skriftelike beswaar indien teen die toestaan van planttelersregte ten opsigte van die in die kennisgewing bedoelde plant op een of meer van die volgende gronde:

- (a) Dat die aansoek nie aan die bepalings van hierdie Wet voldoen nie;
- (b) dat die aansoek op bedrieglike wyse die regte aantas van die beswaarmaker of die persoon van wie hy die regte verkry het;
- (c) dat die applikant nie geregtig is om die aansoek te doen nie;
- (d) dat die aansoek 'n wanvoorstelling van wesenlike aard bevat;
- (e) dat die plant nie 'n nuwe plant is nie; of
- (f) dat die naam wat vir die plant voorgestel word, nie aan die bepalings van sub-artikel (1) van artikel *sewe* voldoen nie.

(2) Die registrateur kan vereis dat 'n kennisgewing ingevolge sub-artikel (1) ingedien, deur 'n beëdigde verklaring en sodanige ander bewyse as wat hy nodig ag, gestaaf word.

(3) Die registrateur bestel aan die applikant afskrifte van alle dokumente wat ingevolge sub-artikels (1) en (2) by hom ingedien is.

(4) Indien die applikant die bewerings van die beswaarmaker wil betwis, kan hy binne 'n tydperk van sestig dae na ontvangs van die afskrifte van bedoelde dokumente of binne die verdere tydperk wat die registrateur toelaat, by die registrateur 'n teenverklaring indien met besonderhede van die gronde waarop hy die beswaar gaan betwis.

(5) Die registrateur bestel aan die beswaarmaker 'n afskrif van bedoelde teenverklaring.

(6) Daarna stel die registrateur die tyd en datum en plek vir die verhoor van die beswaar vas en stel die applikant en die beswaarmaker skriftelik daarvan in kennis.

(7) Die registrateur kan, na goëddunke, een of meer persone wat, na sy oordeel, ervaring het van die regspleging of wat spesiale of deskundige kennis het van die onderwerp van die verhoor, aanstel om hom gedurende die verhoor behulpsaam te wees en van advies te dien.

(8) Vir die doeleindes van die verhoor van 'n beswaar, kan die registrateur—

- (a) 'n beampte of persoon wie se getuienis ter sake skyn te wees, dagvaar;
- (b) 'n beampte of persoon wat getuienis aflê, 'n eed oplê of van hom 'n bevestiging afneem;
- (c) eis dat so 'n beampte of persoon enige boek of dokument in sy besit of onder sy beheer wat ter sake skyn te wees, aan hom voorlê.

- (b) in the case of a plant which propagates by seed, the seed thereof:

Provided that anyone who purchases or otherwise acquires any such plant, propagation material or seed, as the case may be, and plants it, may sell the products or seed thereby obtained, for a purpose other than propagation or multiplication.

- (5) The grant of provisional plant breeders' rights in respect of a new plant in terms of sub-section (2) shall be notified in the *Gazette*.

11. (1) If in the opinion of the registrar—

Refusal of provisional plant breeders' rights.

- (a) an application for provisional plant breeders' rights does not comply with the requirements of section *nine*;
- (b) the plant in respect of which such application has been made, is not a new plant; or
- (c) the applicant is not entitled in terms of section *eight* to make such application,

the registrar shall refuse the application.

- (2) The registrar shall advise the applicant in writing of his decision and the grounds on which it is based.

- (3) The applicant may within a period of thirty days lodge with the registrar a written objection to his decision.

- (4) The registrar shall consider such objection and shall advise the applicant in writing of his decision.

12. (1) Any person, including a duly authorized officer in the service of a State department, may within six months or such longer period as may be prescribed, after the date on which a notice in terms of sub-section (5) of section *ten* appeared in the *Gazette*, lodge with the registrar a written objection to the grant of plant breeders' rights in respect of the plant referred to in such notice on one or more of the following grounds:

Notice and grounds of objection.

- (a) That the application does not comply with the provisions of this Act;
- (b) that the application is in fraud of the rights of the objector or the person from whom he acquired the rights;
- (c) that the applicant is not entitled to make the application;
- (d) that the application contains a material misrepresentation;
- (e) that the plant is not a new plant; or
- (f) that the name proposed for the plant does not comply with the provisions of sub-section (1) of section *seven*.

- (2) The registrar may require that a notice lodged in terms of sub-section (1) be supported by an affidavit and such other proofs as he may deem necessary.

- (3) The registrar shall serve on the applicant copies of all documents lodged with him in terms of sub-sections (1) and (2).

- (4) If the applicant wishes to contest the allegations of the objector, he may within a period of sixty days after receipt of the copies of the said documents or within such further time as the registrar may allow, lodge with the registrar a counter-statement setting out particulars of the grounds upon which he will contest the objection.

- (5) The registrar shall serve a copy of the said counter-statement on the objector.

- (6) Thereafter the registrar shall fix the time and date and place for the hearing of the objection and shall advise the applicant and the objector in writing thereof.

- (7) The registrar may, in his discretion, appoint one or more persons who, in his opinion, have experience of the administration of justice or who have special or expert knowledge of the subject of the hearing to assist and advise him during the proceedings.

- (8) For the purposes of the hearing of an objection, the registrar may—

- (a) summon any officer or person whose evidence appears to be material;
- (b) administer an oath or affirmation to an officer or person who gives evidence;
- (c) require the production to him by any such officer or person of any book or document in his possession or under his control which appears to be material.

(9) Die prosedure by die verhoor van 'n beswaar is soos voorgeskryf.

(10) 'n Party wat voor die registrateur by die verhoor van 'n beswaar verskyn, kan deur 'n advokaat of prokureur of deur 'n patentagent ingevolge artikel *nege-en-tagtig* van die Wet op Patente, 1952 (Wet No. 37 van 1952), geregistreer, verteenwoordig word.

(11) Die registrateur stel die applikant en die beswaarmaker skriftelik in kennis van sy beslissing en die gronde waarop dit gebaseer is.

Intrekking van voorlopige planttelersregte.

13. (1) Indien die registrateur 'n beswaar wat ingevolge sub-artikel (1) van artikel *twalf* by hom ingedien is, handhaaf, en indien die registrateur, in die geval van 'n beswaar in paragraaf (f) van genoemde sub-artikel bedoel, nie die naam van die plant ingevolge sub-artikel (1) van artikel *sewe* verander nie, word die voorlopige planttelersregte ten opsigte van die betrokke plant ingetrek met ingang van die datum waarop die registrateur die applikant skriftelik van sy beslissing in kennis stel en daarop moet die applikant die sertifikaat van registrasie van voorlopige planttelersregte wat ingevolge sub-artikel (2) van artikel *tien* aan hom uitgereik is, aan die registrateur terugbesorg.

(2) Voorlopige planttelersregte word ingetrek indien die betrokke plant in 'n variëteitlys ingevolge artikel *agt* van die Wet op Saad, 1961 (Wet No. 28 van 1961), opgeneem is en daarna van sodanige lys geskrap word.

(3) 'n Intrekking van voorlopige planttelersregte ten opsigte van 'n plant ingevolge sub-artikel (1) word in die *Staatskoerant* bekend gemaak en in die in sub-artikel (1) van artikel *vier* bedoelde register aangeteken.

Aansoek om finale planttelersregte.

14. (1) Indien die voorlopige planttelersregte ten opsigte van 'n nuwe plant nie ingevolge artikel *dertien* ingetrek is nie, kan die persoon ten gunste van wie bedoelde regte geregistreer is of die persoon aan wie bedoelde regte skriftelik oorgedra is, binne die ingevolge sub-artikel (3) van artikel *tien* bepaalde tydperk van die duur van bedoelde regte of binne die verdere tydperk wat die registrateur toelaat, by die registrateur om finale planttelersregte ten opsigte van daardie plant aansoek doen.

(2) Aansoek om sulke regte word op die voorgeskrewe vorm en wyse gedoen en word van die voorgeskrewe gelde vergesel.

(3) Die registrateur kan vereis dat enige beskrywing of inligting wat hy nodig ag, verstrekkend word om die inligting wat reeds met die aansoek om voorlopige planttelersregte voorgelê is, aan te vul en kan in die lig daarvan of van die verloop van die applikant enige wysigings wat hy in die beskrywing van 'n deel van die plant nodig ag, toelaat of laat aanbring.

Toestaan van finale planttelersregte.

15. (1) Die registrateur ondersoek of laat ondersoek 'n aansoek ingevolge artikel *veertien* by hom gedoen om te bepaal of die betrokke plant nog as 'n nuwe plant beskou behoort te word, of die applikant ingevolge sub-artikel (1) van daardie artikel geregtig is om so 'n aansoek te doen en of enige wysigings ingevolge sub-artikel (3) van daardie artikel toegelaat of aangebring behoort te word.

(2) Indien, na die oordeel van die registrateur, die plant nog as 'n nuwe plant beskou behoort te word en die applikant geregtig is om aansoek om finale planttelersregte ten opsigte daarvan te doen, moet die registrateur—

(a) finale planttelersregte ten opsigte van die plant aan die applikant toestaan;

(b) die voorgeskrewe besonderhede van die persoon aan wie en van die plant ten opsigte waarvan bedoelde regte toegestaan is in die in sub-artikel (1) van artikel *vier* bedoelde register aanteken; en

(c) 'n sertifikaat van registrasie van finale planttelersregte ten opsigte van die plant aan die applikant uitreik of laat uitreik.

(3) Die toestaan van finale planttelersregte ten opsigte van 'n nuwe plant ingevolge sub-artikel (2) word in die *Staatskoerant* bekend gemaak.

Weiering van finale planttelersregte.

16. (1) Indien, na die oordeel van die registrateur—

(a) 'n aansoek om finale planttelersregte nie aan die voorskrifte van artikel *veertien* voldoen nie;

(b) die plant ten opsigte waarvan so 'n aansoek gedoen is, nie 'n nuwe plant is nie; of

(c) die applikant nie ingevolge sub-artikel (1) van artikel *veertien* geregtig is om so 'n aansoek te doen nie,

wys die registrateur die aansoek van die hand.

(9) The procedure at the hearing of an objection shall be as prescribed.

(10) A party who appears before the registrar at the hearing of an objection, may be represented by an advocate or attorney or by a patent agent registered in terms of section *eighty-nine* of the Patents Act, 1952 (Act No. 37 of 1952).

(11) The registrar shall advise the applicant and the objector in writing of his decision and the grounds on which it was based.

13. (1) If the registrar upholds an objection lodged with him in terms of sub-section (1) of section *twelve*, and if the registrar, in the case of an objection referred to in paragraph (f) of the said sub-section, does not alter the name of the plant in terms of sub-section (1) of section *seven*, the provisional plant breeders' rights in respect of the plant concerned shall be cancelled with effect from the date on which the registrar advises the applicant in writing of his decision and thereupon the applicant shall return to the registrar the certificate of registration of provisional plant breeders' rights issued to him in terms of sub-section (2) of section *ten*.

Cancellation of provisional plant breeders' rights.

(2) Provisional plant breeders' rights shall be cancelled if the plant concerned has been included in a varietal list in terms of section *eight* of the Seeds Act, 1961 (Act No. 28 of 1961), and is thereafter deleted from such list.

(3) Any cancellation of provisional plant breeders' rights in respect of a plant in terms of sub-section (1) shall be notified in the *Gazette* and noted in the register referred to in sub-section (1) of section *four*.

14. (1) If the provisional plant breeders' rights in respect of a new plant have not been cancelled in terms of section *thirteen*, the person in whose favour such rights have been registered or the person to whom such rights have been transferred in writing, may within the period of duration of such rights determined in terms of sub-section (3) of section *ten* or within such further period as the registrar may allow, apply to the registrar for final plant breeders' rights in respect of such plant.

Application for final plant breeders' rights.

(2) Application for such rights shall be made on the form and in the manner prescribed and shall be accompanied by the prescribed fees.

(3) The registrar may require that any description or information which he deems necessary, be furnished to supplement the information already submitted with the application for provisional plant breeders' rights and may in the light thereof or of the representations of the applicant permit or cause to be effected any amendments in the description of any part of the plant, which he deems necessary.

15. (1) The registrar shall investigate or cause to be investigated any application made to him in terms of section *fourteen* to determine whether the plant concerned should still be regarded as a new plant, whether the applicant is entitled in terms of sub-section (1) of that section to make such application and whether any amendments in terms of sub-section (3) of that section should be permitted or effected.

Grant of final plant breeders' rights.

(2) If, in the opinion of the registrar, the plant should still be regarded as a new plant and the applicant is entitled to apply for final plant breeders' rights in respect thereof, the registrar shall—

(a) grant to the applicant final plant breeders' rights in respect of the plant;

(b) note the prescribed particulars of the person to whom and of the plant in respect of which such rights have been granted in the register referred to in sub-section (1) of section *four*; and

(c) issue or cause to be issued a certificate of registration of final plant breeders' rights in respect of the plant to the applicant.

(3) The grant of final plant breeders' rights in respect of a new plant in terms of sub-section (2), shall be notified in the *Gazette*.

16. (1) If, in the opinion of the registrar—

(a) an application for final plant breeders' rights does not comply with the requirements of section *fourteen*;

(b) the plant in respect of which such application has been made, is not a new plant; or

(c) the applicant is not entitled in terms of sub-section (1) of section *fourteen* to make such application,

Refusal of final plant breeders' rights.

the registrar shall refuse the application.

(2) Die registrateur stel die applikant skriftelik in kennis van sy beslissing en die gronde waarop dit gebaseer word.

(3) Die applikant kan binne 'n tydperk van dertig dae 'n skriftelike beswaar teen die registrateur se beslissing by hom indien.

(4) Die registrateur oorweeg so 'n beswaar en stel die applikant skriftelik van sy beslissing in kennis.

Intrekking van finale plant-telersregte.

17. (1) Enigiemand, met inbegrip van 'n behoorlik gemagtigde beampte in diens van 'n Staatsdepartement, kan te eniger tyd na die toestaan van finale planttelersregte ingevolge sub-artikel (2) van artikel vyftien, op die voorgeskrewe wyse by die registrateur aansoek doen dat sulke regte ingetrek word op een of meer van die gronde in sub-artikel (1) van artikel twaalf genoem en die bepalinge van genoemde artikel twaalf en van artikel dertien is *mutatis mutandis* ten opsigte van so 'n aansoek van toepassing.

(2) Finale planttelersregte word ingetrek indien die betrokke plant in 'n variëteitlys ingevolge artikel agt van die Wet op Saad, 1961 (Wet No. 28 van 1961), opgeneem is en daarna van sodanige lys geskrap word.

Regte van houer van finale plant-telersregte.

18. (1) Die houer van geregistreerde finale planttelersregte het gedurende die voorgeskrewe tydperk die alleenreg om—

(a) in die geval van 'n plant wat vegetatief voortplant, plante wat van so 'n plant gekweek is of vegetatiewe voortplantingsmateriaal daarvan; of

(b) in die geval van 'n plant wat deur saad voortplant, die saad daarvan,

te verkoop, voort te plant of te vermeerder: Met dien verstande dat iemand wat enige sodanige plant, voortplantingsmateriaal of saad, na gelang van die geval, koop of andersins verkry en dit plant, die produkte of saad daardeur verkry, vir 'n ander doel as vir voortplanting of vermeerdering kan verkoop.

(2) Die voorgeskrewe tydperk van alleenreg in sub-artikel (1) bedoel, mag nie korter as twee jaar of langer as vyf jaar wees nie, gereken vanaf die datum van aansoek, en kan ten opsigte van verskillende soorte plante verskillend wees.

(3) Na verstryking van die voorgeskrewe tydperk van alleenreg, is die houer van geregistreerde finale planttelersregte ten opsigte van 'n nuwe plant verplig om aan enige persoon, op sy skriftelike versoek, 'n skriftelike lisensie toe te staan, onderworpe aan die voorwaardes wat die registrateur goedvind, om bedoelde plant of die saad of 'n deel daarvan te verkoop, of voort te plant of te vermeerder vir die doeleindes van verkoop, en moet bedoelde houer binne 'n tydperk van veertien dae die registrateur skriftelik in kennis stel dat so 'n lisensie toegestaan is: Met dien verstande dat die registrateur op versoek van die houer van geregistreerde finale planttelersregte en na inagneming van die omstandighede wat voorgeskryf word, hom na goeddunke kan vrystel van die verpligting om 'n lisensie aldus toe te staan: Met dien verstande voorts dat geen lisensie verkry hoef te word vir die verkoop of gebruik van saad of 'n deel van die plant vir 'n ander doel as vir voortplanting of vermeerdering nie.

(4) By die vasstelling van die voorwaardes van 'n lisensie in sub-artikel (3) bedoel, moet die registrateur daarna streef om te verseker dat die betrokke plant vir die publiek beskikbaar sal wees teen die laagste pryse wat met die verkryging deur die houer van planttelersregte van 'n redelike voordeel uit sodanige regte verenigbaar is.

(5) Die houer van 'n lisensie en 'n ander persoon wat 'n nuwe plant ten opsigte waarvan finale planttelersregte geregistreer is of die saad of 'n deel van so 'n plant gekoop of andersins verkry het vir die doel van voortplanting of vermeerdering, betaal in die voorgeskrewe omstandighede en onderworpe aan die voorgeskrewe voorwaardes die voorgeskrewe tantième aan die houer van finale planttelersregte ten opsigte van daardie plant.

(6) Niemand mag gedurende die tydperk van die duur van geregistreerde planttelersregte by of ingevolge hierdie Wet ten opsigte van 'n nuwe plant bepaal, daardie plant of die saad of 'n deel daarvan verkoop vir die doel van voortplanting of vermeerdering of dit vir daardie doel voortplant of vermeerder nie tensy hy 'n lisensie of die skriftelike toestemming van die houer van bedoelde regte verkry het.

Mede-houers van plant-telersregte.

19. (1) Wanneer planttelersregte aan twee of meer persone gesamentlik toegestaan word, is elkeen van daardie persone, tensy 'n andersluidende skriftelike ooreenkoms van krag is, geregtig op 'n gelyke aandeel in sulke regte.

(2) The registrar shall advise the applicant in writing of his decision and the grounds upon which it is based.

(3) The applicant may within a period of thirty days lodge with the registrar a written objection to his decision.

(4) The registrar shall consider such objection and shall advise the applicant in writing of his decision.

17. (1) Any person, including a duly authorized officer in the service of a State department, may at any time after the grant of final plant breeders' rights in terms of sub-section (2) of section *fifteen*, apply in the prescribed manner to the registrar for the cancellation of such rights on one or more of the grounds referred to in sub-section (1) of section *twelve* and the provisions of the said section *twelve* and of section *thirteen* shall apply *mutatis mutandis* in respect of such application.

Cancellation of final plant breeders' rights.

(2) Final plant breeders' rights shall be cancelled if the plant concerned has been included in a varietal list in terms of section *eight* of the Seeds Act, 1961 (Act No. 28 of 1961), and is thereafter deleted from such list.

18. (1) The holder of registered final plant breeders' rights shall during the prescribed period have the sole right to sell, propagate or multiply—

Rights of holder of final plant breeder's rights.

(a) in the case of a plant which propagates vegetatively, plants cultivated from such plant or vegetative propagation material thereof; or

(b) in the case of a plant which propagates by seed, the seed thereof:

Provided that anyone who purchases or otherwise acquires any such plant, propagation material or seed, as the case may be, and plants it, may sell the products or seed thereby obtained, for a purpose other than propagation or multiplication.

(2) The prescribed period of sole right referred to in sub-section (1) shall not be shorter than two years or longer than five years, calculated from the date of application and may differ in respect of different kinds of plants.

(3) After expiration of the prescribed period of sole right, the holder of registered final plant breeders' rights in respect of a new plant shall be obliged to grant to any person, at his written request, a licence in writing subject to such conditions as the registrar may deem fit, to sell or propagate or multiply such plant or the seed or a part thereof for the purposes of sale, and the said holder shall within a period of fourteen days advise the registrar in writing that such a licence has been granted: Provided that the registrar at the request of the holder of registered final plant breeders' rights may, in his discretion, after having regard to such circumstances as may be prescribed, release him from the obligation so to grant a licence: Provided further that no licence shall be required to be obtained for the sale or use of seed or a part of a plant for a purpose other than propagation or multiplication.

(4) In settling the terms of a licence referred to in sub-section (3) the registrar shall endeavour to ensure that the plant concerned shall be available to the public at the lowest prices consistent with the holder of plant breeders' rights deriving a reasonable advantage from such rights.

(5) The holder of a licence and any other person who has for purposes of propagation or multiplication purchased or otherwise acquired any new plant in respect of which final plant breeders' rights have been registered or the seed or a part of that plant, shall, in the prescribed circumstances and subject to the prescribed conditions, pay the prescribed royalties to the holder of final plant breeders' rights in respect of such plant.

(6) During the period of duration of registered plant breeders' rights fixed by or under this Act in respect of any new plant, no person shall sell for the purpose of propagation or multiplication or for that purpose propagate or multiply such plant or the seed or any part thereof unless he has obtained a licence from or the written permission of the holder of such rights.

19. (1) When plant breeders' rights are granted to two or more persons jointly, each of those persons shall, unless a written agreement to the contrary is in force, be entitled to an equal share in such rights.

Joint holders of plant breeders' rights.

(2) Waar twee of meer persone in die register ingevolge sub-artikel (1) van artikel vier gehou, as gesamentlike houters van planttelersregte ten opsigte van 'n plant aangetoon word, is elkeen van daardie persone geregtig, tensy 'n andersluidende ooreenkoms van krag is, om self of deur sy agente bedoelde plant of die saad of 'n deel daarvan vir sy eie voordeel te verkoop of voort te plant of te vermeerder sonder om aan die ander rekenskap te gee, maar so 'n persoon is nie geregtig om sonder toestemming van die ander sy belang in bedoelde plant in sy geheel of ten dele oor te dra nie.

(3) Wanneer 'n plant deur een van twee of meer persone geregistreer as gesamentlike houters van planttelersregte ten opsigte van daardie plant verkoop word, is die koper en enig- iemand wat deur hom aanspraak het, geregtig om daarmee te handel op dieselfde wyse asof dit deur 'n enkele geregistreerde houer verkoop was.

(4) Die registrateur kan op aansoek op die voorgeskrewe wyse by hom gedoen deur een of meer van die gesamentlike houters van planttelersregte, en nadat hy aan die ander houters 'n geleentheid gegee het om aangehoor te word, ooreenkomstig die aansoek sodanige opdragte gee aangaande die verkoop van daardie regte of enige belang daarin as wat vir hom regverdig en dienstig blyk, en al die voormelde houters is verplig om aan enige aldus gegewe opdragte gevolg te gee.

(5) Indien iemand wat onder verpligting staan om aan enige sodanige opdragte soos voormeld gevolg te gee, in gebreke bly om binne veertien dae of die verdere tydperk wat die registrateur toelaat, enige instrument te verly of enige handeling te verrig of enigiets te doen wat nodig is om daaraan gevolg te gee, kan die registrateur enige persoon magtig om in die naam en ten behoeve van die persoon wat in gebreke bly daardie instrument te verly of so 'n handeling te verrig of so iets te doen.

Merk van etikette
of houters met
naam van plant.

20. Indien 'n plant ten opsigte waarvan planttelersregte toegestaan is of die saad of 'n deel van so 'n plant verkoop word, moet die naam van daardie plant duidelik en leesbaar op 'n etiket, daaraan geheg, verskyn, of, indien dit verpak word, op die houer: Met dien verstande dat in die geval van die saad of 'n deel van so 'n plant wat vir 'n ander doel as vir voortplanting verkoop word, die naam van die plant nie op so 'n etiket of houer mag verskyn nie, tensy die plant waarvan bedoelde saad of deel afkomstig is, 'n vrugtedraende soort plant is wat normaalweg vegetatief voortplant of tensy die Minister skriftelik toestemming verleen het dat die naam op die etiket of houer mag verskyn.

Totale tydperk
van duur van
planttelersregte.

21. (1) Die totale tydperk van die duur van planttelersregte ten opsigte van nuwe plante, bereken vanaf die datum van aansoek, is ten opsigte van—

(a) vrugtebome of wingerdstokke, twintig jaar;

(b) alle ander plante, tien tot vyftien jaar, soos deur die Minister bepaal.

(2) Die totale tydperk van die duur van planttelersregte kragtens paragraaf (b) van sub-artikel (1) bepaal, kan ten opsigte van verskillende soorte plante verskillend wees.

Aanstelling van
raad van appèl.

22. (1) Indien iemand hom gegrief voel deur 'n beslissing van of stappe gedoen deur die registrateur ingevolge hierdie Wet kan hy binne die tydperk en op die wyse voorgeskryf by die Minister appèl teen daardie beslissing of stappe aanteken en daarna word die aangeleentheid verwys na 'n raad van minstens drie persone onder voorsitterskap van 'n persoon deur die Minister weens sy regskenning aangestel, terwyl die orige lede wat in gelyke getalle verteenwoordigend van die departement en die betrokke bedryf is, ook deur die Minister aangestel moet word, onderworpe aan die inbetaling by die Minister se kantoor deur bedoelde persoon van 'n bedrag wat na die Minister se oordeel voldoende sal wees om die onkoste te dek wat noodsaaklikerwys deur die raad aangegaan sal word.

(2) Die prosedure by die verhoor van 'n appèl is soos voorgeskryf.

(3) 'n Party wat voor so 'n raad by die verhoor van 'n appèl verskyn, kan deur 'n advokaat of prokureur of deur 'n patent-agent ingevolge artikel nege-en-tagtig van die Wet op Patente, 1952 (Wet No. 37 van 1952), geregistreer, verteenwoordig word.

(4) Die beslissing van so 'n raad, met inbegrip van 'n beslissing aangaande die koste van 'n appèl, tesame met die gronde vir so 'n beslissing, moet op skrif gestel word en afskrifte daarvan moet aan die appellant en die ander party, indien daar is, verskaf word en so 'n beslissing is afdoende en bind die appellant en die ander party.

(2) Where two or more persons are shown in the register kept in terms of sub-section (1) of section *four*, as joint holders of plant breeders' rights in respect of a plant, each of those persons, unless an agreement to the contrary is in force, shall be entitled by himself or his agents to sell or propagate or multiply such plant or the seed or a part thereof for his own benefit **without** accounting to the others, but no such person shall be entitled to transfer the whole or any part of his interest in such plant without the consent of the others.

(3) Where a plant is sold by one of two or more persons registered as joint holders of plant breeders' rights in respect of that plant, the purchaser and any person claiming through him shall be entitled to deal with it in the same manner as if the plant had been sold by a sole registered holder.

(4) The registrar may upon application being made to him in the prescribed manner by any one or more of the joint holders of plant breeders' rights, and after giving to the other holders an opportunity of being heard, give such directions in accordance with the application as to the sale of such rights or any interest therein as appears to him to be just and expedient, and it shall be the duty of all the aforesaid holders to give effect to any directions so given.

(5) If any person who is under an obligation to give effect to any such directions as aforesaid fails to execute any instrument or to do any act or thing requisite for giving effect thereto within fourteen days, or such further period as the registrar may allow, the registrar may empower any person to execute that instrument or to do that act or thing in the name and on behalf of the person in default.

20. If any plant in respect of which plant breeders' rights have been granted or the seed or any part of such a plant is sold, the name of that plant shall clearly and legibly appear on a label attached thereto, or, if it is packed, on the container: Provided that in the case of the seed or a part of such a plant which is sold for a purpose other than propagation, the name of the plant shall not appear on such label or container unless the plant from which such seed or part derives, is a kind of fruit bearing plant which normally propagates vegetatively or unless the Minister has given written permission that such name may appear on the label or container.

Marking of labels or containers with name of plant.

21. (1) The total period of duration of plant breeders' rights in respect of new plants, calculated from the date of application, is in respect of—

Total period of duration of plant breeders' rights.

(a) fruit trees or vines, twenty years;

(b) all other plants, ten to fifteen years, as determined by the Minister.

(2) The total period of duration of plant breeders' rights determined under paragraph (b) of sub-section (1) may differ in respect of different kinds of plants.

22. (1) If any person is aggrieved by any decision of or action taken by the registrar in terms of this Act, he may within such period and in such manner as may be prescribed note an appeal to the Minister against that decision or action and the matter shall thereupon be referred to a board consisting of at least three persons which shall be presided over by a person appointed by the Minister for his knowledge of law, the remaining members, being equally representative of the department and the industry concerned, also to be appointed by the Minister, subject to the deposit at his office by that person of an amount which in the opinion of the Minister, will be sufficient to defray the expenses which will necessarily be incurred by the board.

Appointment of board of appeal.

(2) The procedure at the hearing of an appeal shall be as prescribed.

(3) A party who appears before such board at the hearing of an appeal, may be represented by an advocate or attorney or by a patent agent registered in terms of section *eighty-nine* of the Patents Act, 1952 (Act No. 37 of 1952).

(4) The decision of such board, including any decision as to the costs of any appeal, together with the grounds for such decision, shall be reduced to writing and copies thereof shall be furnished to the appellant and the other party, if any, and such decision shall be final and binding on the appellant and the other party.

(5) Wanneer so 'n raad die appèl van die persoon op wie se versoek die raad aangestel is, handhaaf, word die bedrag ingevolge sub-artikel (1) deur daardie persoon inbetaal, terug-betaal.

Staat kan
planttelersregte
oorneem.

23. (1) Die Minister kan ten opsigte van 'n nuwe plant, vanaf 'n datum deur hom bepaal te word, planttelersregte ten behoeve van die Staat oorneem.

(2) Daar word aan die houer van bedoelde regte die redelike vergoeding betaal waarvoor ooreengekom word, of, by ontstentenis van ooreenkoms, wat by arbitrasie of, indien die partye daartoe ooreenkoms, deur die registrateur vasgestel word.

(3) Enige arbitrasieverrigtings ingevolge hierdie artikel word beheer deur die bepalings van die „Arbitration Ordinance, 1904", van Transvaal, asof daar 'n skriftelike ooreenkoms was om die geskil ingevolge daardie Ordonnansie aan arbitrasie te onderwerp.

Regulasies.

24. (1) Die Staatspresident kan regulasies uitvaardig—

- (a) wat 'n sertifikaat of ander dokument of vorm voorskryf wat vir die doeleindes van hierdie Wet uitgereik of gebruik moet word;
- (b) wat die gelde voorskryf wat betaalbaar is ten opsigte van 'n aansoek, aangeleentheid of dokument;
- (c) wat die skaal van die besoldiging en toelaes voorskryf wat aan 'n ingevolge sub-artikel (7) van artikel *twaalf* aangestelde adviseur betaal moet word;
- (d) wat die skaal van die besoldiging en toelaes voorskryf wat aan 'n lid van 'n ingevolge sub-artikel (1) van artikel *twee-en-twintig* aangestelde raad betaal moet word;
- (e) wat die prosedure by enige verrigtings ingevolge hierdie Wet gehou, voorskryf;
- (f) wat die wyse van aflewering of bestelling van kennisgewings, mededelings en ander dokumente wat ingevolge hierdie Wet afgelewer of bestel moet word, voorskryf;
- (g) wat die pligte en bevoegdhede van die registrateur of 'n beampte in diens van die departement ten opsigte van die ondersoek van of verstrekking van verslae oor aansoeke om planttelersregte voorskryf;
- (h) betreffende 'n aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word; en
- (i) betreffende oor die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke en doeleindes van hierdie Wet beter te verwesenlik, sonder dat die algemeenheid van die bevoegdhede wat deur hierdie paragraaf verleen word, deur die bepalings van die voorgaande paragrawe beperk word.

(2) Verskillende regulasies kan ingevolge hierdie artikel uitgevaardig word ten opsigte van verskillende klasse of groepe plante, of ten opsigte van plante van verskillende soorte, en in sodanige ander opsigte as wat die Staatspresident bepaal.

(3) Die regulasies kan ten opsigte van enige oortreding daarvan of versuim om daaraan te voldoen 'n straf voorskryf van 'n boete van hoogstens tweehonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Oortredings en
strawwe.

25. (1) Iemand wat—

- (a) 'n valse inskrywing in die register ingevolge artikel *vier* gehou, maak of laat maak of 'n geskrif wat valslik 'n afskrif van 'n inskrywing in die register heet te wees, maak of laat maak of so 'n inskrywing of 'n afskrif daarvan as getuienis voorlê of aanbied of laat voorlê of aanbied;
- (b) met die doel om die registrateur of 'n beampte in die uitvoering van die bepalings van hierdie Wet te mislei of met die doel om die doen of nalaat van enigiets met betrekking tot hierdie Wet of 'n aangeleentheid daarkragtens teweeg te bring of te beïnvloed, 'n valse verklaring of voorstelling maak met die wete dat dit vals is;
- (c) die registrateur of 'n beampte by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede ingevolge hierdie Wet belemmer of hinder;
- (d) nadat hy behoorlik gedagvaar is om by enige verrigtings ingevolge hierdie Wet gehou, te verskyn, sonder wettige rede versuim om ingevolge die dagvaarding te verskyn;

(5) When such a board upholds the appeal of the person at whose instance the board was appointed, the amount deposited by that person in terms of sub-section (1) shall be refunded.

23. (1) The Minister may in respect of a new plant, from a date to be fixed by him, take over plant breeders' rights on behalf of the State. State may take over plant breeders' rights.

(2) There shall be paid to the holder of such rights such reasonable compensation as is agreed upon or as is, in default of agreement, settled by arbitration or, if the parties so agree, by the registrar.

(3) Any arbitration proceedings in terms of this section shall be governed by the provisions of the Arbitration Ordinance, 1904, of the Transvaal as if there had been a written agreement to refer the matter in issue to arbitration in terms of that Ordinance.

24. (1) The State President may make regulations— Regulations.

- (a) prescribing any certificate or other document or form to be issued or used for the purposes of this Act;
- (b) prescribing the fees payable in respect of any application, matter or document;
- (c) prescribing the scale of remuneration and allowances which shall be paid to any adviser appointed in terms of sub-section (7) of section *twelve*;
- (d) prescribing the scale of remuneration and allowances which shall be paid to any member of a board appointed in terms of sub-section (1) of section *twenty-two*;
- (e) prescribing the procedure in any proceedings held in terms of this Act;
- (f) prescribing the mode of delivery or service of notices, communications and other documents which are required in terms of this Act to be delivered or served;
- (g) prescribing the duties and powers of the registrar or an officer in the service of the department in respect of the investigation of and reporting on applications for plant breeders' rights;
- (h) concerning any matter which in terms of this Act is required or permitted to be prescribed; and
- (i) concerning, generally, any matter which he considers necessary or expedient to prescribe in order that the objects and purposes of this Act may be better achieved, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in terms of this section in respect of different classes or groups of plants, or in respect of plants of different kinds, and in such other respects as the State President may determine.

(3) The regulations may in respect of any contravention thereof or failure to comply therewith prescribe a penalty not exceeding a fine of two hundred rand or imprisonment for a period not exceeding six months.

25. (1) Any person who—

Offences and penalties.

- (a) makes or causes to be made a false entry in the register kept in terms of section *four* or makes or causes to be made a writing falsely purporting to be a copy of an entry in the register or produces or tenders or causes to be produced or tendered as evidence any such entry or copy thereof;
- (b) for the purpose of deceiving the registrar or any officer in the execution of the provisions of this Act, or for the purpose of procuring or influencing the doing or omission of anything in relation to this Act or any matter thereunder, makes a false statement or representation, knowing the same to be false;
- (c) obstructs or hinders the registrar or any officer in the exercise of his powers or the carrying out of his functions under this Act;
- (d) having been duly summoned to appear at any proceedings held in terms of this Act, fails without lawful excuse to appear in obedience to the summons;

- (e) nadat hy as 'n getuie by enige verrigtings ingevolge hierdie Wet gehou, verskyn het, sonder wettige rede weier om beëdig te word of 'n bevestiging te doen, of om 'n dokument voor te lê of 'n vraag te beantwoord wat hy wettiglik verlang word om voor te lê of te beantwoord;
 - (f) valslik voorgee dat 'n plant of die saad of 'n deel van 'n plant deur hom verkoop met die doel van voortplanting of vermeerdering 'n plant is ten opsigte waarvan planttelersregte ingevolge hierdie Wet toegestaan is, of van so 'n plant afkomstig is;
 - (g) by die verkoop van 'n plant of die saad of 'n deel van 'n plant vir die doel van voortplanting of vermeerdering, 'n ander naam daarvoor gebruik as die naam ingevolge hierdie Wet vir daardie plant geregistreer, of die geregistreerde naam van 'n ander plant van dieselfde soort gebruik of 'n naam gebruik wat soveel met 'n geregistreerde naam ooreenstem dat dit misleidend is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—
 - (i) in die geval van 'n oortreding in paragraaf (a) of (b) bedoel, met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf; en
 - (ii) in die geval van 'n oortreding in paragraaf (c), (d), (e), (f) of (g) bedoel, met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.
- (2) Ondanks andersluidende wetsbepalings besit 'n landdros-hof regsbevoegdheid om enige straf wat hierdie Wet voorskryf, op te lê.

Skadevergoeding
weens inbreuk op
geregistreerde
planttelersregte.

26. Iemand wat inbreuk maak op enige geregistreerde planttelersregte kan deur die houer van bedoelde regte in 'n geregshof gedagvaar word vir—

- (a) 'n bedrag van hoogstens honderd rand, en so 'n hof kan sonder bewys van enige skade en benewens die koste van die geding, so 'n bedrag, die genoemde som nie te bowe gaande nie, toeken as wat vir hom onder die omstandighede van die geval redelik voorkom; of
- (b) skadevergoeding of 'n interdik of vir sowel skadevergoeding as 'n interdik, en so 'n hof kan, benewens die koste van die geding, sodanige skadevergoeding toeken as wat vir hom onder die omstandighede redelik voorkom of 'n interdik verleen of sowel skadevergoeding toeken as 'n interdik verleen.

Delegasie van
Minister se
bevoegdheid en
werksaamhede.

27. Die Minister kan al die bevoegdhede en werksaamhede wat hierdie Wet aan hom verleen of opdra, of een of meer daarvan, behalwe die in paragraaf (a) van sub-artikel (1) van artikel drie bedoelde bevoegdheid, aan die Sekretaris of 'n ander senior beampte van die departement deleger.

Wysiging van
artikel 1 van Wet
37 van 1952, soos
gewysig deur
artikel 1 van Wet
28 van 1953 en
artikel 1 van Wet
50 van 1960.

28. Artikel een van die Wet op Patente, 1952 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in die omskrywing van „gepatenteerde artikel” die woorde „met inbegrip van 'n plant” te skrap;
- (b) deur die omskrywing van „plant” te skrap; en
- (c) deur in die omskrywing van „uitvinding” die woorde „en ook enige bepaalde nuwe plantvariëteit (uitgesonderd 'n plant wat deur middel van knolle voortgeplant word) wat geslagsloos voortgebring is” te skrap.

Wysiging van
artikel 23 van Wet
37 van 1952.

29. Artikel drie-en-twintig van die Hoofwet word hierby gewysig deur in paragraaf (c) van sub-artikel (1) die woorde „of op 'n afsonderlike plantvariëteit (uitgesonderd 'n plant deur middel van knolle voortgeplant) wat geslagsloos voortgebring kan word,” te skrap.

Wysiging van
artikel 28 van Wet
37 van 1952,
soos gewysig deur
artikel 2 van Wet
50 van 1960.

30. Artikel agt-en-twintig van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „behalwe dat in die geval van 'n patent vir 'n plant die termyn daarvan tien jaar is vanaf die datum waarop die volledige spesifikasie aldus ingedien was” te skrap.

Wysiging van
artikel 32 van Wet
37 van 1952.

31. Artikel twee-en-dertig van die Hoofwet word hierby gewysig deur die woorde „(asook, in die geval van 'n patent vir 'n plant, die uitsluitlike reg om die plant geslagsloos voort te bring)” te skrap.

- (e) having appeared as a witness at any proceedings held in terms of this Act, refuses without lawful excuse to be sworn or to make affirmation or to produce any document or answer any question which he may be lawfully required to produce or answer;
 - (f) falsely represents that a plant or the seed or a part of a plant sold by him for the purpose of propagation or multiplication is a plant in respect whereof plant breeders' rights have been granted in terms of this Act, or originates from such a plant;
 - (g) at the sale of a plant or the seed or a part of a plant for the purpose of propagation or multiplication, uses a name therefor which is different from the name registered in terms of this Act for that plant or uses the registered name of another plant of the same kind or uses a name which corresponds so closely to a registered name that it is misleading, shall be guilty of an offence and liable on conviction—
 - (i) in the case of a contravention referred to in paragraph (a) or (b), to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment; and
 - (ii) in the case of a contravention referred to in paragraph (c), (d), (e), (f) or (g), to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
- (2) Notwithstanding anything to the contrary in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.

26. Any person who infringes any registered plant breeders' rights may be sued in any court of law by the holder of such rights for—

Damages for infringement of registered plant breeders' rights.

- (a) an amount not exceeding one hundred rand, and such court may without proof of any damages, and in addition to the costs of the action, award such amount, not exceeding the said amount, as may in the circumstances of the case appear to it to be reasonable; or
- (b) damages or an interdict or for both damages and an interdict, and such court may, in addition to the costs of the action, award such damages as may appear to it to be reasonable in the circumstances, or grant an interdict or both award damages and grant an interdict.

27. The Minister may delegate to the Secretary or any other senior officer of the department, all or any of the powers and functions conferred upon or entrusted to him by this Act, save the power referred to in paragraph (a) of sub-section (1) of section three.

Delegation of Minister's powers and functions.

28. Section one of the Patents Act, 1952 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 1 of Act 37 of 1952, as amended by section 1 of Act 28 of 1953 and section 1 of Act 50 of 1960.

- (a) by the deletion in the definition of "patented article" of the words "including a plant";
- (b) by the deletion of the definition of "plant"; and
- (c) by the deletion in the definition of "invention" of the words "and includes any distinct and new variety of plant, other than a tuber-propagated plant, which has been reproduced asexually".

29. Section twenty-three of the principal Act is hereby amended by the deletion in paragraph (c) of sub-section (1) of the words "or to a distinct variety of plant (other than a tuber-propagated plant) capable of being reproduced asexually".

Amendment of section 23 of Act 37 of 1952.

30. Section twenty-eight of the principal Act is hereby amended by the deletion in sub-section (1) of the words "except that, in the case of a plant patent, the term of the patent shall be ten years from the date on which the complete specification was so lodged".

Amendment of section 28 of Act 37 of 1952, as amended by section 2 of Act 50 of 1960.

31. Section thirty-two of the principal Act is hereby amended by the deletion of the words "(including, in the case of a plant patent, the exclusive right asexually to reproduce the plant)".

Amendment of section 32 of Act 37 of 1952.

Wysiging van
artikel 42 van Wet
37 van 1952.

32. Artikel *twee-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-paragraaf (ii) van paragraaf (a) die woorde „of voortplanting van enige plant”, die woorde „of plant”, die woord „voortplanting” oral waar dit voorkom, die woord „plant”, en die woorde „of voortgeplant” te skrap; en
- (b) deur in sub-paragraaf (iii) van genoemde paragraaf die woorde „voortplanting van ’n plant”, die woord „plant”, die woorde „of plant” en die woord „voortplanting” oral waar dit voorkom, te skrap.

Wysiging van
artikel 48 van Wet
37 van 1952.

33. Artikel *agt-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur aan die end van paragraaf (c) van sub-artikel (1) die woord „of” te skrap;
- (b) deur paragraaf (d) van genoemde sub-artikel te skrap; en
- (c) deur in sub-artikel (2) die woorde „en plante” te skrap.

Wysiging van
artikel 94 van Wet
37 van 1952.

34. Artikel *vier-en-negentig* van die Hoofwet word hierby gewysig deur paragraaf (g) van sub-artikel (1) te skrap.

Plantpatente
ingevolge Wet 37
van 1952 verleen.

35. (1) ’n Plantpatent ingevolge die bepalings van die Hoofwet verleen voor die inwerkingtreding van hierdie Wet mag nie ingetrek word nie dan alleen op die een of ander grond waarop dit ingevolge die bepalings van die Hoofwet ingetrek sou kon geword het, en verval, tensy dit aldus ingetrek word, op die datum waarop dit ingevolge die bepalings van die Hoofwet sou verval het as bedoelde bepalings nog op plante van toepassing gebly het, en alle gelde ten opsigte van so ’n patent betaalbaar bly betaalbaar asof hierdie Wet nie aangeneem was nie.

(2) Met ’n aansoek om ’n plantpatent wat voor die inwerkingtreding van hierdie Wet deur die registrateur van patente ontvang is maar wat nie voor sodanige inwerkingtreding afgehandel is nie, of so ’n aansoek wat binne twaalf maande na die inwerkingtreding van hierdie Wet deur die registrateur van patente ontvang word en waarop die bepalings van artikel *vyf-en-negentig* van die Hoofwet van toepassing is, word in alle opsigte gehandel asof hierdie Wet nie in werking getree het nie, en die bepalings van sub-artikel (1) is *mutatis mutandis* van toepassing ten opsigte van ’n plantpatent wat ingevolge so ’n aansoek verleen word.

Kort titel en
datum van
inwerkingtreding.

36. Hierdie Wet heet die Wet op Planttelersregte, 1964, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

32. Section *forty-two* of the principal Act is hereby amended— Amendment of section 42 of Act 37 of 1952.
- (a) by the deletion in sub-paragraph (ii) of paragraph (a) of the words "or propagation of any plant", of the words "or plant", of the word "propagation" wherever it occurs, of the word "plant" and of the words "or propagated"; and
 - (b) by the deletion in sub-paragraph (iii) of the said paragraph of the words "propagation of a plant", of the word "plant", of the words "or plant" and of the word "propagation" wherever it occurs.
33. Section *forty-eight* of the principal Act is hereby amended— Amendment of section 48 of Act 37 of 1952.
- (a) by the deletion at the end of paragraph (c) of sub-section (1) of the word "or";
 - (b) by the deletion of paragraph (d) of the said sub-section; and
 - (c) by the insertion in sub-section (2) after the word "medicines" of the word "and"; and by the deletion in the said sub-section of the words "and plants".
34. Section *ninety-four* of the principal Act is hereby amended Amendment of section 94 of Act 37 of 1952.
by the deletion of paragraph (g) of sub-section (1).
35. (1) A plant patent granted in terms of the provisions of the principal Act before the commencement of this Act shall not be liable to revocation except upon some ground on which it would have been liable to be revoked in terms of the provisions of the principal Act and shall, unless it is so revoked, expire on the date on which it would have expired in terms of the provisions of the principal Act if the said provisions had continued to be applicable to plants, and all fees payable in respect of any such patent shall continue to be payable as if this Act had not been passed. Plant patents granted in terms of Act 37 of 1952.
- (2) Any application for a plant patent which was received by the registrar of patents before the commencement of this Act but which was not disposed of prior to such commencement, or any such application which is received by the registrar of patents within twelve months after the coming into operation of this Act and to which the provisions of section *ninety-five* of the principal Act are applicable, shall be dealt with in all respects as if this Act had not been passed, and the provisions of sub-section (1) shall apply *mutatis mutandis* in respect of any plant patent granted on any such application.
36. This Act shall be called the Plant Breeders' Rights Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and date of commencement.

No. 23, 1964.]

WET

Tot wysiging van die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913”, die Wet op Vreemdelinge, 1937, die Wet op Suid-Afrikaanse Burgerskap, 1949, die Wet tot Reëling van Vertrek uit die Unie, 1955, en die Wet op Statebondsbetrekkinge, 1962, en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 Maart 1964.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 5 van Wet 22 van 1913, soos gewysig deur artikel 3 van Wet 22 van 1914, artikel 4 van Wet 37 van 1927, artikel 3 van Wet 15 van 1931, artikel 3 van Wet 19 van 1933, artikel 1 van Wet 27 van 1937, artikel 2 van Wet 43 van 1953 en artikel 3 van Wet 60 van 1961.

1. Artikel vyf van die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913”, word hierby deur die volgende artikel vervang:

„Personen die niet als verboden personen aangemerkt worden.

5. (1) De volgende personen of klassen van personen zijn geen verboden personen in de zin van artikel vier, namelijk—

- (a) een lid van een militaire macht van een land waaraan door de Regering toestemming verleend is de Unie binnen te komen;
- (b) de officieren en bemanning van een openbaar schip van een vreemde mogendheid zo lang het schip in een haven is;
- (c) een diplomatieke agent zoals omschreven in artikel een van de „Wet op Diplomatieke Voorregte, 1951” (Wet No. 71 van 1951), of iemand die bij de Goeverneur-generaal geakkrediteerd is als konsul-generaal of konsul of vice-konsul voor een vreemde staat of iemand in dienst in het gezantschap of de kanselarij of het kantoor van zulk een diplomatieke agent, konsul-generaal, konsul of vice-konsul of iemand die behoort tot het gezin van een in de voorgaande bepalingen van deze paragraaf vermelde persoon of een bediende van zo iemand: Met dien verstande dat het tijdperk gedurende hetwelk iemand in de Unie woonde (hetzij voor of na de eerste dag van Augustus, 1913) terwijl hij zo iemand was als bedoeld in de voorgaande bepalingen van deze paragraaf, niet in aanmerking genomen wordt ter bepaling of hij al dan niet een domicilie in de Unie of in een provincie verkregen heeft;
- (d) iemand die om in dienst te treden de Unie binnenkomt—

- (i) op voorwaarden die van tijd tot tijd overeenkomstig een of andere wet voorgeschreven mochten zijn; of
- (ii) krachtens een verdrag met de regering van een naburig gebied of een naburige staat; of
- (iii) overeenkomstig een schema van aanwerving en repatriatie dat de Minister goedgekeurd heeft,

en die niet is iemand bedoeld in paragraaf (c), (d), (e), (f), (g), (h), (i) of (j) van sub-artikel (1) van artikel vier: Met dien verstande dat het tijdperk gedurende hetwelk iemand in de Unie woonde nadat hij overeenkomstig een bepaling van deze paragraaf de Unie binnengekomen is, niet in aanmerking genomen wordt ter bepaling of hij al dan niet een domicilie in de Unie of in een provincie verkregen heeft: Met dien verstande voorts dat de door dit artikel aan een in deze paragraaf bedoelde persoon verleende vrijstelling van een of andere bepaling van deze Wet ophoudt zodra de dienst waarvoor hij zoals voormeld de Unie binnenkwam, eindigt;

- (e) een vóór de invoering van deze Wet in een in de Unie opgenomen deel van Zuid-Afrika geboren persoon wiens ouders wettig daarin verblijf hielden en niet op dat tijdstip krachtens

No. 23, 1964.]

ACT

To amend the Admission of Persons to the Union Regulation Act, 1913, the Aliens Act, 1937, the South African Citizenship Act, 1949, the Departure from the Union Regulation Act, 1955, and the Commonwealth Relations Act, 1962, and to provide for other incidental matters.

(English text signed by the State President.)
(Assented to 5th March, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The following section is hereby substituted for section five of the Admission of Persons to the Union Regulation Act, 1913:

"Persons who are not to be deemed prohibited persons.

5. (1) The following persons or classes of persons shall not be prohibited persons for the purposes of section four, namely—

- (a) any member of a military force of any country which has been granted consent by the Government to enter the Union;
- (b) the officers and crew of a public ship of any foreign state while the ship is in port;
- (c) any diplomatic agent as defined in section one of the Diplomatic Privileges Act, 1951 (Act No. 71 of 1951), or any person accredited to the Governor-General as consul-general or consul or vice-consul for any foreign state, or any person employed in the legation or chancery or office of such a diplomatic agent, consul-general, consul or vice-consul, or any member of the household of any person mentioned in the preceding provisions of this paragraph, or a servant of any such person: Provided that the period during which any person resided in the Union (whether before or after the first day of August, 1913) while he was such a person as is mentioned in the preceding provisions of this paragraph, shall not be taken into account in determining whether he has or has not acquired a domicile in the Union or in any province;
- (d) any person who for the purpose of employment enters the Union—
 - (i) under such conditions as may have been prescribed from time to time in accordance with any law; or
 - (ii) under any convention with the Government of a neighbouring territory or state; or
 - (iii) in accordance with any scheme of recruitment and repatriation approved by the Minister,

and who is not a person described in paragraph (c), (d), (e), (f), (g), (h), (i) or (j) of sub-section (1) of section four: Provided that the period during which a person resided in the Union after having entered the Union in accordance with any provision of this paragraph shall not be taken into account in determining whether he has or has not acquired a domicile in the Union or in any province: Provided further that the exemption by this section of any person mentioned in this paragraph from any provision of this Act shall cease on the termination of the employment for the purpose of which he entered the Union as aforesaid;

- (e) any person born before the commencement of this Act in any part of South Africa included in the Union whose parents were lawfully resident therein and were not at that time

Substitution of section 5 of Act 22 of 1913, as amended by section 3 of Act 22 of 1914, section 4 of Act 37 of 1927, section 3 of Act 15 of 1931, section 3 of Act 19 of 1933, section 1 of Act 27 of 1937, section 2 of Act 43 of 1953, and section 3 of Act 60 of 1961.

een alsdan geldende wet tot tijdelijk of voorwaardelijk verblijf beperkt waren, alsmede een persoon die na de invoering van deze Wet waar het ook zij geboren is en wiens ouders ten tijde van zijn geboorte gedomicilieerd waren in een in de Unie opgenomen deel van Zuid-Afrika, mits die persoon, buiten de Unie geboren zijnde, vóór de eerste dag van Junie, 1937, de Unie binnenkwam of de Unie ingebracht werd of binnen drie jaar na zijn geboorte de Unie binnenkwam of binnenkomt of de Unie ingebracht werd of wordt;

- (f) iemand die in een provincie domicilie heeft en die niet is iemand bedoeld in paragraaf (e), (f) of (i) van sub-artikel (1) van artikel vier;
- (g) iemand die ten genoegen van een paspoort-beheerbeambte of, in geval van een appèl, ten genoegen van de raad bewezen wordt te zijn de echtgenote of het kind beneden de zestien jaar van een door paragraaf (f) van dit artikel vrijgestelde persoon, mits onderscheidenlik de echtgenote of het kind niet is een persoon bedoeld in paragraaf (d), (e), (f), (g) of (h) van sub-artikel (1) van artikel vier: Met dien verstande dat geen kind dat niet van zijn moeder vergezeld is, toegelaten wordt, tenzij de moeder reeds in de Unie woonachtig is of overleden is of tenzij de Minister in enig biezonder geval de toelating van dat kind machtigt.

(2) Het bij sub-artikel (1) bepaalde geeft niet aan iemand op wie de bepalingen van paragraaf (a) van sub-artikel (1) van artikel vier van toepassing zijn, het recht om een provincie waarin hij niet voor de eerste dag van Augustus, 1913, wettig woonachtig was, binnen te komen en aldaar te wonen.

(3) Het bij paragraaf (e) van sub-artikel (1) bepaalde wordt niet zo uitgelegd dat van de toepassing van paragraaf (a) van sub-artikel (1) van artikel vier uitgesloten wordt—

- (a) een persoon buiten de Unie geboren uit een huwelijk of vereniging aangegaan na de tiende dag van Februarie, 1953; of
- (b) een persoon buiten de Unie na de tiende dag van Februarie, 1954, geboren; of
- (c) een ander dan een in paragraaf (a) bedoelde persoon buiten de Unie op of voor de tiende dag van Februarie, 1954, geboren, die de Unie niet overeenkomstig de bepalingen van paragraaf (e) van sub-artikel (1) voor de tiende dag van Februarie, 1956, binnenkwam of ingebracht werd.

(4) Het bij paragraaf (g) van sub-artikel (1) bepaalde wordt niet zo uitgelegd dat van de werking van paragraaf (a) van sub-artikel (1) van artikel vier uitgesloten wordt—

- (a) de echtgenote van een persoon bij een huwelijk of vereniging na de tiende dag van Februarie, 1953, aangegaan, of een kind buiten de Unie uit zulk een huwelijk of vereniging geboren; of
- (b) een kind buiten de Unie na de tiende dag van Februarie, 1954, geboren; of
- (c) vanaf de tiende dag van Februarie, 1956, de echtgenote van een persoon bij een huwelijk of vereniging op of voor de tiende dag van Februarie, 1953, aangegaan, of een ander dan een in paragraaf (a) bedoeld kind buiten de Unie op of voor de tiende dag van Februarie, 1954, geboren,

tenzij de Minister of een paspoortbeheerbeambte handelende volgens de voorschriften van de Minister, zulk een echtgenote, persoon of kind machtigt de Unie overeenkomstig de bepalingen van paragraaf (e) of (g) van sub-artikel (1) binnen te komen.

(5) In paragraaf (g) van sub-artikel (1) betekent—

- (a) „kind” een kind dat verwekt werd door de vrijgestelde persoon uit zijn echtgenote (zoals hieronder omschreven) of uit een overleden vrouw die, ware zij in leven, als zijn echtgenote (volgens bedoelde omschrijving) erkend had kunnen worden of wier vereniging met de

restricted to temporary or conditional residence by any law then in force, and any person born in any place after the commencement of this Act whose parents were at the time of his birth domiciled in any part of South Africa included in the Union, provided such person, if born outside the Union, entered or enters or was or is brought into the Union before the first day of June, 1937, or within three years from the date of his birth;

(f) any person domiciled in any province who is not such a person as is described in paragraph (e), (f) or (i) of sub-section (1) of section four;

(g) any person who is proved to the satisfaction of a passport control officer or in case of an appeal, to the satisfaction of the board, to be the wife or the child under the age of sixteen years of any person exempted by paragraph (f) of this section, provided the wife or the child (as the case may be) is not such a person as is described in paragraph (d), (e), (f), (g) or (h) of sub-section (1) of section four: Provided that no child who is not accompanied by its mother shall be admitted unless its mother is already resident in the Union or is deceased, or the Minister in any special case authorizes the admission of such child.

(2) Nothing in sub-section (1) contained shall be construed as entitling a person to whom the provisions of paragraph (a) of sub-section (1) of section four apply, to enter and reside in a province in which he was not lawfully resident before the first day of August, 1913.

(3) Nothing in paragraph (e) of sub-section (1) contained shall be construed so as to exclude from the operation of paragraph (a) of sub-section (1) of section four—

(a) any person born outside the Union out of any marriage or union entered into after the tenth day of February, 1953; or

(b) any person born outside the Union after the tenth day of February, 1954; or

(c) any person other than a person referred to in paragraph (a) born outside the Union on or before the tenth day of February, 1954, who did not enter or was not brought into the Union in accordance with the provisions of paragraph (e) of sub-section (1) before the tenth day of February, 1956.

(4) Nothing in paragraph (g) of sub-section (1) contained shall be construed so as to exclude from the operation of paragraph (a) of sub-section (1) of section four—

(a) the wife of any person by a marriage or union entered into after the tenth day of February, 1953, or any child born outside the Union out of any such marriage or union; or

(b) any child born outside the Union after the tenth day of February, 1954; or

(c) as from the tenth day of February, 1956, the wife of any person by a marriage or union entered into on or before the tenth day of February, 1953, or any child other than a child referred to in paragraph (a), born outside the Union on or before the tenth day of February, 1954,

unless the Minister or a passport control officer acting upon directions issued by the Minister, authorizes any such wife, person or child to enter the Union in accordance with the provisions of paragraph (e) or (g) of sub-section (1).

(5) In paragraph (g) of sub-section (1)—

(a) "child" means the off-spring of the exempted person by his wife as hereinafter defined, or by a deceased woman who, if she had been alive, could have been recognized as his wife (as so defined) or whose union with the exemp-

vrijgestelde persoon ingevolge artikel twee van de Indiërs Verlichting Wet, 1914 (Wet No. 22 van 1914), als een huwelijk geregistreerd had kunnen worden;

- (b) „echtgenote” ook een bepaalde vrouw tussen wie en de betrokken vrijgestelde persoon een vereniging bestaat welke volgens de leerstellingen van een of ander Indiese godsdienst als een huwelijk erkend wordt, zelfs indien een gelijktijdig bestaande vereniging van die vrijgestelde persoon met een andere vrouw volgens de leerstellingen van die godsdienst ook als een huwelijk erkend zou worden: Met dien verstande dat geen vrouw geacht wordt de echtgenote van die vrijgestelde persoon te zijn—

(i) indien hij een huwelijk of zulk een voormelde vereniging aangegaan heeft met een andere vrouw die nog in leven is en die in een of andere provincie woont of gerechtigd is om erin te wonen of welke door een paspoortbeheerbeambte ingevolge voormelde paragraaf (g) als zijn echtgenote erkend is geworden; of

(ii) indien hij uit een vrouw die nog in leven is een kind verwekt heeft dat in een of andere provincie woont of gerechtigd is om erin te wonen.”.

Wysiging van artikel 6 van Wet 1 van 1937, soos gewysig deur artikel 10 van Wet 69 van 1962.

2. Artikel *ses* van die Wet op Vreemdelinge, 1937, word hierby gewysig deur in sub-artikel (2) na die woord „aangekom” die woorde „of wat die Unie met ’n lugvaartuig binnegekom” in te voeg.

Wysiging van artikel 10 van Wet 44 van 1949, soos gewysig deur artikel 9 van Wet 64 van 1961 en artikel 20 van Wet 69 van 1962.

3. Artikel *tien* van die Wet op Suid-Afrikaanse Burgerskap, 1949 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (2) en in sub-artikel (3) die woord „verblyf-tydperk” waar dit ook al voorkom deur die woorde „tydperk van verblyf of gewone verblyf” te vervang.

Wysiging van artikel 17 van Wet 44 van 1949, soos gewysig deur artikel 12 van Wet 64 van 1961.

4. Artikel *sewentien* van die Hoofwet word hierby gewysig—
(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) ’n Suid-Afrikaanse burger deur registrasie of naturalisasie hou op om ’n Suid-Afrikaanse burger te wees indien hy vir ’n ononderbroke tydperk van minstens sewe jaar buite die Unie woonagtig is met uitsluiting van enige tydperk wat—

(a) hy in die diens van die Regering van die Unie aldus woonagtig is; of

(b) hy as die verteenwoordiger of werknemer van ’n persoon of vereniging van persone wat in die Unie woonagtig of ingestel is of in diens van ’n internasionale organisasie waarvan die Regering van die Unie ’n lid is aldus woonagtig is; of

(c) in die geval van die vrou of minderjarige kind van ’n in paragraaf (a) of (b) bedoelde persoon, so ’n vrou of kind saam met sodanige persoon aldus woonagtig is; of

(d) in die geval van die vrou of minderjarige kind van ’n persoon wat ’n Suid-Afrikaanse burger deur geboorte of afkoms is, so ’n vrou of kind saam met sodanige persoon aldus woonagtig is; of

(e) hy aldus woonagtig is en ten opsigte waarvan die Minister ingevolge sub-artikel (5) vrystelling verleen het.”;

(b) deur na sub-artikel (4) die volgende sub-artikels in te voeg:

„(5) (a) Die Minister kan ’n in paragraaf (e) van sub-artikel (1) beoogde vrystelling na goeddunke verleen ten opsigte van enige persoon of klas persone en vir ’n bepaalde of onbepaalde tydperk en of onvoorwaardelik of onderworpe aan die voorwaardes wat die Minister goedvind.

(b) Waar so ’n vrystelling ten opsigte van ’n klas persone verleen word, kan die Minister enigiemand wat tot bedoelde klas behoort van die vrystelling uitsonder.

ted person could have been registered as a marriage under section *two* of the Indians Relief Act, 1914 (Act No. 22 of 1914);

(b) "wife" includes any one woman between whom and the exempted person in question there exists a union recognized as a marriage under the tenets of any Indian religion, even though a simultaneous union of that exempted person with another woman would also be recognized as a marriage under the tenets of that religion: Provided that no woman shall be deemed to be the wife of that exempted person—

(i) if he entered into a marriage or such a union as aforesaid with any other woman who is still living and who resides or is entitled to reside in any province or whom a passport control officer has recognized as his wife under the said paragraph (g); or

(ii) if he has, by any woman who is still living, off-spring residing or entitled to reside in any province."

2. Section *six* of the Aliens Act, 1937, is hereby amended by the insertion in sub-section (2) after the word "Union" where it occurs for the first time of the words "or who has entered the Union by aircraft".

Amendment of section 6 of Act 1 of 1937, as amended by section 10 of Act 69 of 1962.

3. Section *ten* of the South African Citizenship Act, 1949 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (2) and in sub-section (3) for the words "period of residence" wherever they occur of the words "period of residence or ordinary residence".

Amendment of section 10 of Act 44 of 1949, as amended by section 9 of Act 64 of 1961 and section 20 of Act 69 of 1962.

4. Section *seventeen* of the principal Act is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

"(1) A South African citizen by registration or naturalization shall cease to be a South African citizen if he resides outside the Union for a continuous period of not less than seven years exclusive of any period during which—

(a) he so resides in the service of the Government of the Union;

(b) he so resides as the representative or employee of a person or association of persons resident or established in the Union, or in the service of an international organization of which the Government of the Union is a member; or

(c) in the case of a wife or minor child of a person referred to in paragraph (a) or (b), such wife or child so resides with such person; or

(d) in the case of the wife or minor child of a person who is a South African citizen by birth or descent, such wife or child so resides with such person; or

(e) he so resides and in respect of which the Minister has granted exemption under sub-section (5).";

(b) by the insertion after sub-section (4) of the following sub-sections:

"(5) (a) The Minister may in his discretion grant any exemption contemplated in paragraph (e) of sub-section (1) in respect of any person or class of persons and for a definite or an indefinite period and either unconditionally or subject to such conditions as the Minister may deem fit.

(b) Where any such exemption is granted in respect of any class of persons, the Minister may exclude from such exemption any person belonging to that class.

Amendment of section 17 of Act 44 of 1949, as amended by section 12 of Act 64 of 1961.

(c) So 'n vrystelling kan, hetsy dit ten opsigte van 'n klas persone of iemand wat tot 'n klas persone behoort of ten opsigte van 'n bepaalde persoon verleen is, te eniger tyd na goeddunke deur die Minister ingetrek word.

(6) 'n Vrystelling ingevolge sub-artikel (5) kan in geval waar daar volgens die Minister se oordeel besondere omstandighede bestaan, ook verleen word nadat die persoon ten opsigte van wie dit verleen word reeds uit hoofde van die bepalings van sub-artikel (1) opgehou het om 'n Suid-Afrikaanse burger deur registrasie of naturalisasie te wees, en in so 'n geval word dié persoon geag nie op te gehou het om so 'n burger te wees nie, asof hy nie gedurende die tydperk ten opsigte waarvan die vrystelling verleen word buite die Unie woonagtig was nie."

Wysiging van artikel 25bis van Wet 44 van 1949, soos ingevoeg deur artikel 16 van Wet 64 van 1961.

5. Artikel vyf-en-twintig bis van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Die bepalings van sub-artikels (11), (11)bis en (14) van artikel tien is *mutatis mutandis* van toepassing met betrekking tot 'n sertifikaat in sub-artikel (1) bedoel."

Wysiging van artikel 29 van Wet 44 van 1949, soos gewysig deur artikel 18 van Wet 64 van 1961.

6. Artikel nege-en-twintig van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „sub-artikel" waar dit die tweede maal voorkom die uitdrukking „(4)bis" in te voeg.

Wysiging van artikel 41 van Wet 44 van 1949.

7. Artikel een-en-veertig van die Hoofwet word hierby gewysig met ingang van die datum van inwerkingtreding daarvan deur na die woord „Wet" die woorde „en enige wysiging daarvan" en na die woord „Suidwes-Afrika" die woorde „met inbegrip van die Oostelike Caprivi Zipfel waarna in artikel drie van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word" in te voeg.

Vervanging van artikel 6 van Wet 34 van 1955, soos gewysig deur artikel 64 van Wet 69 van 1962.

8. Artikel ses van die Wet tot Reëling van Vertrek uit die Unie, 1955, word hierby deur die volgende artikel vervang:

„Terugkeer 6. Iemand aan wie 'n permit geëndosseer soos in sub-artikel (6) van artikel vyf bepaal, uitgereik is en deur persoon wat wat die Unie verlaat het met die doel om na 'n 'n permit het om Unie vir plek buite die Unie te gaan, word—

(a) indien hy daarna na die Unie terugkeer, by die toepassing van artikel twee geag die Unie sonder 'n geldige paspoort of 'n permit te verlaat het;

(b) vir alle doeleindes 'n verbode persoon binne die bedoeling van die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913" (Wet No. 22 van 1913), in die Unie vanaf die tydstop waarop hy die Unie aldus verlaat het."

Wysiging van artikel 13 van Wet 69 van 1962.

9. Artikel dertien van die Wet op Statebondsbetrekkinge, 1962, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Enige persoon wat voor die een-en-dertigste dag van Mei 1962 tot die Republiek toegelaat is ingevolge die bepalings van die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913" (Wet No. 22 van 1913), en wat nie voor die eerste dag van April 1963 'n kennisgewing bedoel in artikel nege-en-twintig van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), laat publiseer het nie, en wat 'n vreemdeling binne die bedoeling van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), word as gevolg van die wysiging van artikel een van daardie Wet deur artikel ses van hierdie Wet, word vanaf die eerste dag van April 1963, vir alle doeleindes geag 'n vreemdeling te wees wat hom te alle tye voor daardie datum in die Republiek opgehou het met die doel om hom tydelik daarin op te hou, tensy hy, voor daardie datum, in die teenwoordigheid van 'n beamppte of werknemer in die Staatsdiens deur die Minister van Binnelandse Sake aangewys, 'n verklaring in die vorm deur bedoelde Minister by kennisgewing in die *Staatskoerant* voorgeskryf, gemaak het, dat hy in die Republiek is met die doel om hom blywend daarin te vestig."

(c) Any such exemption, whether granted in respect of a class of persons or any person belonging to any class of persons or in respect of a particular person, may at any time be withdrawn by the Minister in his discretion.

(6) Any exemption under sub-section (5) may, in any case where in the opinion of the Minister special circumstances exist, also be granted after the person in respect of whom it is granted has, by virtue of the provisions of sub-section (1), already ceased to be a South African citizen by registration or naturalization, and in that event such person shall be deemed not to have ceased to be such a citizen, as if he had not, during the period in respect of which the exemption is granted, resided outside the Union.”.

5. Section *twenty-five bis* of the principal Act is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

Amendment of section 25bis of Act 44 of 1949, as inserted by section 16 of Act 64 of 1961.

“(2) The provisions of sub-sections (11), (11)*bis* and (14) of section *ten* shall *mutatis mutandis* apply with reference to a certificate referred to in sub-section (1).”.

6. Section *twenty-nine* of the principal Act is hereby amended by the insertion in sub-section (2) after the word “sub-section” where it occurs for the third time of the expression “(4)*bis*”.

Amendment of section 29 of Act 44 of 1949, as amended by section 18 of Act 64 of 1961.

7. Section *forty-one* of the principal Act is hereby amended with effect from the date of commencement thereof by the insertion after the word “Act” of the words “and any amendment thereof” and after the words “South-West Africa” of the words “including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)”.

Amendment of section 41 of Act 44 of 1949.

8. The following section is hereby substituted for section *six* of the Departure from the Union Regulation Act, 1955:

Substitution of section 6 of Act 34 of 1955, as amended by section 64 of Act 69 of 1962.

“Return by person who has a permit to leave the Union permanently.

6. Any person to whom a permit endorsed as provided in sub-section (6) of section *five* has been issued and who has left the Union for the purpose of proceeding to a place outside the Union, shall—

(a) if he thereafter returns to the Union, be deemed, for the purposes of section *two*, to have left the Union without a valid passport or a permit;

(b) for all purposes become a prohibited person, within the meaning of the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913), in the Union with effect from the time he so left the Union.”.

9. Section *thirteen* of the Commonwealth Relations Act, 1962, is hereby amended by the substitution for sub-section (1) of the following sub-section:

Amendment of section 13 of Act 69 of 1962.

“(1) Any person admitted to the Republic before the thirty-first day of May, 1962, under the provisions of the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913), who did not before the first day of April, 1963, cause to be published such a notice as is referred to in section *twenty-nine* of the South African Citizenship Act, 1949 (Act No. 44 of 1949), and who becomes an alien within the meaning of the Aliens Act, 1937 (Act No. 1 of 1937), in consequence of the amendment of section *one* of that Act by section *six* of this Act, shall as from the first day of April, 1963, for all purposes be deemed to be an alien who at all times before that date sojourned in the Republic for the purpose of temporary sojourn therein, unless before such date he made in the presence of an officer or employee in the public service designated by the Minister of the Interior a declaration in the form prescribed by the said Minister by notice in the *Gazette*, that he is in the Republic for the purpose of permanent residence therein.”.

Toepassing van
artikel 9.

10. Artikel *nege* is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel waarna in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word, en by die toepassing van hierdie artikel word 'n verwysing in bedoelde artikel *nege* na die Republiek ook as 'n verwysing na bedoelde gebied uitgelê.

Datum van
inwerkingtreding
van artikel 3.

11. Artikel *drie* word geag op die een-en-dertigste dag van Mei 1962 in werking te getree het.

Kort titel.

12. Hierdie Wet heet die Wet tot Reëling van Verblyf in die Republiek, 1964.

10. Section *nine* shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and for the purposes of the application of this section any reference in the said section *nine* to the Republic shall be construed as including a reference to the said territory. Application of section 9.

11. Section *three* shall be deemed to have come into operation on the thirty-first day of May, 1962. Date of commencement of section 3.

12. This Act shall be called the Residence in the Republic Regulation Act, 1964. Short title.

No. 27, 1964.]

WET

Tot aanwending van 'n verdere som van hoogstens vier-en-veertigmiljoen sewehonderd-en-negeduisend sewehonderd nege-en-veertig rand vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1964 eindig.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Maart 1964.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Gekonsolideerde
Inkomstefonds
belas met som
van hoogstens
R40,217,039 op
Inkomsterekening.

1. Die Gekonsolideerde Inkomstefonds word hiermee belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1964 eindig, maar gesamentlik hoogstens veertigmiljoen tweehonderd-en-seventienduisend nege-en-dertig rand ten laste van die Inkomsterekening benewens die somme waarmee bedoelde Rekening deur die Begrotingswet, 1963 (Wet No. 89 van 1963), belas is.

Gekonsolideerde
Inkomstefonds
belas met som van
hoogstens
R4,492,710 op
Leningsrekening.

2. Die Gekonsolideerde Inkomstefonds word verder belas met die somme geld wat nodig is vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1964 eindig, maar gesamentlik hoogstens viermiljoen vierhonderd twee-en-negentigduisend sewehonderd-en-tien rand ten laste van die Leningsrekening benewens die somme waarmee bedoelde Rekening deur die Begrotingswet, 1963 (Wet No. 89 van 1963), belas is.

Hoe die geld
bestee moet word.

3. Die geld wat deur hierdie Wet beskikbaar gestel word, moet aangewend word vir die dienste in besonderhede in die aangehegte Bylae vermeld en meer omstandig uiteengesit in die Begroting van Addisionele Uitgawes [R.P. 2—1964], soos deur die Parlement goedgekeur, en vir geen ander doel nie.

Die Minister kan
'n afwyking goed-
keur.

4. Met goedkeuring van die Minister van Finansies kan 'n besparing onder die een subhoof van 'n begrotingspos aangewend word tot dekking van uitgawes bo die gemagtigde bedrag onder 'n ander subhoof, of van uitgawe onder 'n nuwe subhoof van dieselfde begrotingspos: Met dien verstande dat die somme wat in kolom 2 van die Bylae voorkom, nie oorskry mag word nie, en besparings daarop ewemin aangewend mag word vir enige ander doel as dié waarvoor die geld hierby toegestaan word soos in die gemelde Bylae aangedui.

Kort titel.

5. Hierdie Wet heet die Addisionele Begrotingswet, 1964.

Bylae.

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Titel.		
		R	R
	(Ten laste van Inkomsterekening.)		
2	Senaat	17,900	
3	Volksraad	41,280	
4	Eerste Minister	26,700	
7	Opmetings	75,000	
8	Bosbou	6,412	
	Met inbegrip van—		
	Hulptoelae aan Suid-Afri- kaanse Raad vir Houtbe- vordering		2,500
9	Publieke Werke	2,122,000	
10	Buitelandse Sake	10,000	
11	Tesourie	98,000	
	Met inbegrip van—		
	Amptelike onthaal deur of namens die Voorsitter, Staatstenderraad en Staats- koper		100
13	Provinsiale Administrasies	1,049,317	
15	Suid-Afrikaanse Munt	1,065,500	
16	Binnelandse Inkomste	564	
17	Doeane en Aksyns	1,214,570	

No. 27, 1964.]

ACT

To apply a further sum not exceeding forty-four million seven hundred and nine thousand seven hundred and forty-nine rand towards the service of the Republic for the financial year ending on the thirty-first day of March, 1964.

(English text signed by the State President.)
(Assented to 11th March, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The Consolidated Revenue Fund is hereby charged with such sums of money as may be required for the service of the Republic (and chargeable to the Revenue Account) for the financial year ending on the thirty-first day of March, 1964, not exceeding in the aggregate forty million two hundred and seventeen thousand and thirty-nine rand, in addition to the sums with which that Account has been charged by the Appropriation Act, 1963 (Act No. 89 of 1963).

Consolidated Revenue Fund charged with sum not exceeding R40,217,039 on Revenue Account.

2. The Consolidated Revenue Fund is further charged with such sums of money as may be required for the service of the Republic (and chargeable to the Loan Account) for the financial year ending on the thirty-first day of March, 1964, not exceeding in the aggregate four million four hundred and ninety-two thousand and seven hundred and ten rand, in addition to the sums with which that Account has been charged by the Appropriation Act, 1963 (Act No. 89 of 1963).

Consolidated Revenue Fund charged with sum not exceeding R4,492,710 on Loan Account.

3. The money appropriated by this Act shall be applied to the services detailed in the Schedule hereto, and more particularly specified in the Estimates of Additional Expenditure [R.P. 2—1964], as approved by Parliament, and to no other purpose.

How money to be applied.

4. With the approval of the Minister of Finance, a saving on any sub-head of a vote may be made available to meet excess expenditure on any other sub-head, or expenditure on a new sub-head of the same vote: Provided that the sums appearing in column 2 of the Schedule shall not be exceeded, nor shall savings thereon be available for any purpose other than that for which the money is hereby granted as indicated in the said Schedule.

Minister may approve variation.

5. This Act shall be known as the Additional Appropriation Act, 1964.

Short title.

Schedule.

No.	Vote. Designation.	Column 1.	Column 2.
		R	R
	(Chargeable to Revenue Account.)		
2	Senate	17,900	
3	House of Assembly	41,280	
4	Prime Minister	26,700	
7	Surveys	75,000	
8	Forestry	6,412	
	Including—		
	Grant-in-aid to South African Wood Promotion Council		2,500
9	Public Works	2,122,000	
10	Foreign Affairs	10,000	
11	Treasury	98,000	
	Including—		
	Official entertainment by or on behalf of the Chairman, State Tender Board and Government Buyer ..		100
13	Provincial Administrations ..	1,049,317	
15	South African Mint	1,065,500	
16	Inland Revenue	564	
17	Customs and Excise	1,214,570	

No.	Vote. Designation.	Column 1.	Column 2.
		R	R
	(Chargeable to Revenue Account.)		
19	Transport	6,173,000	
	Including—		
	Purchase of motor vehicles ..		400,000
	Grant-in-aid to the South African Tourist Corpora- tion		60,000
20	Social Welfare and Pensions ..	1,100,000	
	Including—		
	Child Welfare: Special grants- in-aid		17,000
23	Printing and Stationery	220,000	
24	Education, Arts and Science ..	1,400,000	
	Including—		
	State-Aided Institutions		14,000
	National Advisory Council for Adult Education		310,000
25	Schools of Industries and Reform Schools	26,000	
27	Agricultural Technical Services: Administration and National Services	1,127,000	
28	Agricultural Technical Services: Regional Services and Education	376,000	
29	Water Affairs	5,004	
	Including—		
	Grant-in-aid to the South African Institute of Civil Engineers		5,000
32	Commerce and Industries	250,700	
	Including—		
	Contributions:		
	S.A. Council for Scientific and Industrial Research		170,700
	S.A. Bureau of Standards ..		80,000
34	Mines	312,492	
35	Posts, Telegraphs, Telephones and Radio Services	3,111,000	
36	Health	1,286,000	
39	Agricultural Economics and Mar- keting: General	2,273,820	
40	State Advances Recoveries Office	47,000	
41	Defence	10,023,764	
43	Immigration	1,869,000	
	Including—		
	Grants-in-aid to approved or- ganisations for after-care of immigrants:		
	Miscellaneous		12,000
44	Coloured Affairs	1,092,000	
45	Community Development	69,000	
47	Justice	253,000	
48	Prisons	578,000	
49	Police	2,897,016	
	Including—		
	Purchase of motor vehicles ..		250,000
	Secret services		75,000
	TOTAL	R40,217,039	
	(Chargeable to Loan Account.)		
A.	Miscellaneous Loans and Services	2,340,000	
B.	Public Works	60,660	
C.	Telegraphs, Telephones and Radio Services	1,600,000	
D.	Lands and Settlements	1,048	
M.	Education, Arts and Science ..	82,001	
P.	Coloured Affairs	379,000	
Q.	Bantu Education	30,001	
	TOTAL	R4,492,710	

SUMMARY.

		R
Chargeable to Revenue Account		40,217,039
Chargeable to Loan Account		4,492,710
TOTAL		R44,709,749

Begrotingspos.		Kolom 1.	Kolom 2.
No.	Titel.		
		R	R
	<i>(Ten laste van Inkomsterekening.)</i>		
19	Vervoer	6,173,000	
	Met inbegrip van—		
	Aankoop van motorvoertuie		400,000
	Hulptoelae aan die Suid-Afri- kaanse Toeristekorporasie		60,000
20	Volkswelsyn en Pensioene ..	1,100,000	
	Met inbegrip van—		
	Kindersorg: Spesiale hulptoe- laes ..		17,000
23	Drukwerk en Skryfbehoeftes ..	220,000	
24	Onderwys, Kuns en Wetenskap ..	1,400,000	
	Met inbegrip van—		
	Staatsondersteunde Inrigtings		14,000
	Nasionale Adviserende Raad vir Opvoeding buite Skool- verband ..		310,000
25	Nywerheid- en Verbeteringskole ..	26,000	
27	Landbou-tegniese Dienste: Ad- ministrasie en Nasionale Dienste	1,127,000	
28	Landbou-tegniese Dienste: Streek- dienste en Onderwys ..	376,000	
29	Waterwese	5,004	
	Met inbegrip van—		
	Hulptoelae aan die Suid-Afri- kaanse Instituut vir Siviele Ingenieurs ..		5,000
32	Handel en Nywerheid	250,700	
	Met inbegrip van—		
	Bydraes:		
	S.A. Wetenskaplike en Ny- werheidnavorsingsraad ..		170,700
	S.A. Buro vir Standaarde ..		80,000
34	Mynwese	312,492	
35	Pos-, Telegraaf-, Telefoon- en Radiodienste	3,111,000	
36	Gesondheid	1,286,000	
39	Landbou-ekonomie en -bemar- king: Algemeen	2,273,820	
40	Kantoor tot Invordering van Staatsvoorskotte	47,000	
41	Verdediging	10,023,764	
43	Immigrasie	1,869,000	
	Met inbegrip van—		
	Hulptoelae aan goedgekeurde organisasies vir nasorg van immigrante:		
	Diverse		12,000
44	Kleurlingsake	1,092,000	
45	Gemeenskapsbou	69,000	
47	Justisie	253,000	
48	Gevangenisne	578,000	
49	Polisie	2,897,016	
	Met inbegrip van—		
	Aankoop van motorvoertuie		250,000
	Geheime dienste		75,000
	TOTAAL	R40,217,039	
	<i>(Ten laste van Leningsrekening.)</i>		
A.	Diverse Lenings en Dienste ..	2,340,000	
B.	Publieke Werke	60,660	
C.	Telegraaf-, Telefoon- en Radio- dienste	1,600,000	
D.	Lande en Nedersettings	1,048	
M.	Onderwys, Kuns en Wetenskap ..	82,001	
P.	Kleurlingsake	379,000	
Q.	Bantoe-onderwys	30,001	
	TOTAAL	R4,492,710	

OPSOMMING.

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Ten laste van Inkomsterekening ..	..	..	..	40,217,039
Ten laste van Leningsrekening ..	..	..	..	4,492,710
TOTAAL	..	..	..	R44,709,749